

1 19A NCAC 03C .0202 readopted as published in 35:14 NCR 1569-1571 with changes as follows:

2
3 **19A NCAC 03C .0202 TITLING AND REGISTRATION OF BRANDED VEHICLES**

4 Upon application for title and registration of a motor vehicle as defined in G.S. 20-4.01(33), the following rules apply:

5 (1) Flood vehicles will shall be branded "Water/Flood Damage Vehicle" on the title and "WATR-FLD"
6 on the registration card.

7 (2) ~~Non-U.S.A.-Non-USA~~ vehicles ~~may shall~~ be titled and registered with an inspector's report to verify
8 the vehicle meets Environmental Protection Agency standards and that the vehicle is operable.~~the~~
9 ~~brand "Non-U.S.A." printed on the card, but will not be titled unless and until documentary proof is~~
10 ~~received from the applicant showing that the vehicle has been modified to meet United States safety~~
11 ~~and emission control standards.~~ The title ~~will then shall~~ reflect the brand "Non-U.S.A. vehicle".~~Non-~~
12 ~~USA vehicle.~~

13 (3) ~~Reconstructed vehicles will be branded "RECONST" on the registration card and "Reconstructed~~
14 ~~vehicle" on the title. The application for title must be accompanied by the Inspector's report showing~~
15 ~~the vehicle was inspected prior to being rebuilt and was reinspected when completed, and the~~
16 ~~rebuilder's affidavit detailing the repairs made including proof of ownership of the parts used.~~
17 ~~Salvage vehicles not inspected prior to being rebuilt will be branded "Reconstructed vehicle."~~

18 (4)(3) ~~Salvage vehicles will be branded "SALVAGE" on the registration card and "Salvage vehicle" on~~
19 ~~the title. The application for title must be accompanied by the Inspector's report to show the vehicle~~
20 ~~is operable and requires no repairs.~~ If a NC Salvage Certificate of Title MVR-40 is being transferred
21 to an individual or dealer and the vehicle is six model years old or ~~new,~~ newer, then the title and
22 registration records shall notate a Total Loss Claim and it must be accompanied by:

23 (a) LT-275 Report of Initial Examination of Salvage Vehicle;

24 (b) LT-276 Affidavit of Rebuilder or Owner; and

25 (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

26 [(i) The title and registration records shall notate a Total Loss Claim. If the three
27 Documents referenced in this Rule ~~[above]~~ are not submitted with the title, then a
28 LT-270 Report of Examination Vehicle is required, and the title shall be branded
29 as Reconstructed with Total Loss Claim noted. The registration records shall
30 reflect Reconstructed and Total Loss Claim.

31 (4) If a branded out of state title is transferred from an insurance company's name to an individual or
32 dealer and the vehicle is six model years old or newer, then the title brand on the previous title will
33 be included on the new NC Certificate of Title, and it shall be accompanied by:

34 (a) LT-275 Report of Initial Examination of Salvage Vehicle;

35 (b) LT-276 Affidavit of Rebuilder or Owner; and

36 (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

37 [(i) The previous title's brand will be included on the new NC Certificate of Title.] If

1 the three documents above are not submitted with the title, a LT-270 Report of
2 Examination of Motor Vehicle, shall be required and the title shall be branded as
3 Reconstructed.

4 (5) If a NC Salvage Certificate of Title MVR-40 is being transferred to an individual or dealer and the
5 vehicle is older than six model ~~years~~ years, the previous title's brand ~~will~~ be included on the new
6 NC Salvage Certificate of Title MVR-40 ~~brought forward,~~ and the inspector's report shall not be
7 required.

8 (6) If a branded out-of-state title is transferred from an insurance company's name to an individual or
9 dealer, and the vehicle is older than six model years, it must be accompanied by a LT-270 Report
10 of Examination of Motor Vehicle. The previous title's brand shall be ~~included~~ ~~brought forward~~ on
11 the new NC Certificate of Title.

12 (7) If a branded out-of-state title is submitted ~~to the Division~~ and in an individual's name or is assigned
13 to an individual or dealer, the ~~brand shall be brought forward,~~ previous title's brand ~~will~~ shall be
14 ~~included on the new NC Certificate of Title~~ and an inspector's report shall not be required, regardless
15 of the year.

16 (8) If a branded out-of-state title is submitted ~~to the Division~~ in a dealer's name or is assigned to an
17 individual or dealer, regardless of the year, it must be accompanied by a LT-20 Report of
18 Examination of Motor Vehicle. The ~~previous title's brand will~~ shall be ~~included~~ ~~brand will be~~
19 ~~brought forward~~ on the new NC Certificate of Title.

20 ~~(5)~~(9) Salvage rebuilt vehicles will be branded ~~if~~ a NC Salvage Certificate of Title, MVR-40, is being
21 transferred to an individual or dealer and is six model years old or newer, ~~it~~ then the title and
22 registration records shall notate Total Loss Claim and must be accompanied by:

23 (a) LT-275 Report of Initial Examination of Salvage Vehicle;

24 (b) LT-276 Affidavit of Rebuilder or Owner; and

25 (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

26 ~~(i) The title and registration records shall notate Total Loss Claim.~~ If the three
27 documents above are not submitted with the title, a LT-270 Report of Examination
28 of Motor Vehicle is required, and the title will be branded as Reconstructed with
29 Total Loss Claim noted. The registration records shall reflect Reconstructed and
30 Total Loss Claim. For vehicles more than six model years old, the current brand
31 shall be ~~included on the new NC Certificate of Title.~~ ~~brought forward.~~

32 "SAL RBLT" on the registration card and "Salvage Rebuilt vehicle" on the title. The application for title
33 must be accompanied by the Inspector's report showing the vehicle was inspected prior to being
34 rebuilt and reinspected when completed, and the rebuilder's affidavit detailing the repairs made
35 including proof of ownership of the parts. Failure to have the vehicle inspected prior to repair will
36 result in the vehicle being branded a reconstructed vehicle.

1 (10) If a NC Salvage Certificate of Title, MVR-40, is being transferred to an individual or dealer and is
2 more than six model years old, the current brand shall be included on the new NC Salvage Certificate
3 of Title, MVR-40, [brought forward] and an inspector's report shall not be required.

4 (11) If an out-of-state title in the name of an insurance company without a brand is transferred to an
5 individual or dealer and the vehicle is six model years old or newer, it shall be accompanied by the
6 LT-270 Report of Examination of Motor [Vehicle.]Vehicle and the new title shall be branded
7 [accordingly] in accordance with the applicable rules and G.S. 20-39, 20-71.3, and 20-109.1. [if
8 indicated by the LT-20.][The brand shall also be required.]

9 (12) If an out-of-state title or a NC Certificate of Title is being transferred to an insurance company's
10 name and is more than six model years old, a NC Salvage Certificate of Title, MVR-40, will notate
11 Total Loss Claim and shall be branded Salvage Rebuilt.

12 ~~(6)~~(13) Junk vehicles are marked "Junked" on the registration records only. The title must be submitted
13 indicating the vehicle is incapable of operation or use upon the highways and has no resale value
14 except as a source of parts or scraps.

15
16 *History Note: Authority G.S. 20-1; 20-4.01(33); 20-39; 20-71.3; 20-109.1;*
17 *Eff. July 1, 1978;*
18 *Amended Eff. December 1, 1993; November 1, 1991; January 1, 1988-1988;*
19 *Readopted Eff. June 1, 2021.*

20

1 19A NCAC 03C .0220 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2
3 **19A NCAC 03C .0220 MANUFACTURER'S CERTIFICATE OF ORIGIN**

4 (a) ~~The term [A] Manufacturer's Certificate of Origin "Manufacturer's Certificate" is defined by~~ shall contain the
5 information set forth in G.S. 20-4.01(20) and G.S. 20-4.01(20). The certificate must [shall also]contain the following
6 information:

7 (1) ~~the transfer date;~~

8 (2) ~~to whom it is issued;~~

9 (3) ~~the vehicle description;~~

10 (4)(1) the manufacturer's name and address (may be preprinted); and

11 (5)(2) a countersignature of an agent (rubber stamped or written). The countersignature is the signature of
12 the authorized person at the dealership.

13 (b) ~~Assignment [The] Upon transfer of a vehicle to a transferee in accordance with G.S. 20-52.1, a dealer shall~~
14 complete the Assignment of Manufacturer's Certificate. Certificate and shall [follow the directive as noted in G.S. 20-
15 52.1 and also contain] comply with the following: [following][criteria:][as authorized by the Division:]

16 (1) If the purchaser is not a licensed dealer, the certificate of title must shall be obtained prior to further
17 transfer.

18 (2) When [an]assignment a transfer is made by a manufacturer to a dealer, the dealer must shall make
19 the re-assignment transfer on the reverse side of the Manufacturer's Certificate.

20 (3) ~~Assignment~~ The [assignment] transfer shall must agree match with the name on the dealer's license.

21 (4) Lien information must shall be recorded in the assignment transfer.

22 (5) Transfers Assignments must shall be notarized.

23 (6) Alterations of improper [transfer] assignment will shall void the Manufacturer's Certificate and will
24 shall require the return of the certificate to the manufacturer for correction.

25
26 *History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-54; 20-85; 20-309;

27 Eff. March 1, 1982;

28 Amended Eff. December 1, 1993-1993;

29 Readopted Eff. June 1, 2021.

1 19A NCAC 03C .0221 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0221 REGISTRATION OF OUT-OF-STATE REGISTERED VEHICLES**

4 ~~When an~~ The applicant shall provide the following when registering application is made to register a vehicle in
5 North Carolina that is currently registered in another state, district, or ~~territory;~~territory, the following is ~~shall be~~
6 ~~required:~~

7 (1) the documentary proof of ownership, ownership acceptable to the commissioner; ~~Commissioner of~~
8 ~~Motor~~ ~~Vehicles;~~ ~~Vehicles,~~ such as out-of-state vehicle registration or out-of-state certificate of
9 title;

10 (2) ~~the~~ certification ~~submit~~ proof of liability ~~insurance;~~ insurance as required b G.S. 20-309; and

11 (3) ~~pay~~ the payment of ~~required~~ fees and ~~highway use tax.~~ taxes.

12

13 *History Note: Authority G.S. 20-1; 20-39; 20-52; 20-85; 20-309; 105-187.6(c);*

14 *Eff. March 1, 1982;*

15 *Amended Eff. December 1, ~~1993.~~1993;*

16 *Readopted Eff. June 1, 2021.*

17

1 19A NCAC 03C .0222 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2
3 **19A NCAC 03C .0222 REGISTRATION: CUSTOM BUILT MOTOR VEHICLES AND TRAILERS**

4 Registration of a ~~custom-built~~ ~~custom-built~~ motor vehicle or trailer requires the following:

- 5 (1) ~~the~~ bills of sale for the principal ~~parts;~~ parts or two appraisals from two different NC dealers with
6 Indemnity Bonds;
- 7 (2) ~~the~~ cancellation of the title if the number on the motor or frame is registered in North Carolina;
- 8 (3) ~~the form MVR-1 MVR-1 Title Application]indicating custom built and the date;[date and shall~~
9 ~~include vehicle information, the owner,]owner]] and any lienholder information that is required~~
10 for titling vehicles in North Carolina;
- 11 (4) ~~a~~ the MVR-55 Affidavit for Custom or Replica Built Vehicles, which is a notarized statement that
12 the vehicle was built from parts described by the bills of sale and must be completed in its entirety;
13 and sale; and
- 14 (5) ~~inspection~~ the LT-270 Report of Examination of Motor Vehicles, ~~[which]~~ is completed after an
15 inspection by a motor vehicles ~~inspector;~~ inspector; and
- 16 (6) ~~the MCO's~~ Manufacturer's Certificate of Origin for motor, frame, and transmission assigned to an
17 individual or Indemnity Bond.

18
19 *History Note: Authority G.S. 20-1; 20-4.01; 20-39; 20-53;*
20 *Eff. March 1, 1982;*
21 *Amended Eff. December 1, 1993; August 1, 1982-1982;*
22 *Readopted Eff. June 1, 2021.*
23

1 19A NCAC 03C .0223 is readopted as published in 35:14 NCR 1569-1571 with changes as follows:

2

3 **19A NCAC 03C .0223 REGISTRATION: MOTOR HOMES, ETC.**

4 (a) ~~When a~~The manufacturer ~~sells a of the~~ chassis ~~to a motor home manufacturer, shall provide~~ a Manufacturer's
5 Certificate of Origin ~~assigned by to~~ the manufacturer of the ~~chassis to the manufacturer of the~~ motor ~~home home~~ is
6 ~~[shall be]required.~~ The Manufacturer's Certificate of Origin ~~must~~shall show the serial number of the chassis.

7 (b) If an application for registration of a customized van is presented with a Manufacturer's Certificate or Origin
8 describing the van and another certificate describing the conversion kit, then an owner's statement explaining changes
9 is required ~~in order~~ to determine the trade name, body ~~style~~style, and license classification of the van.

10

11 *History Note: Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-53;*

12

Eff. March 1, 1982;

13

Amended Eff. January 1, ~~1994~~.1994;

14

Readopted Eff. June 1, 2021.

15

1 19A NCAC 03C .0224 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0224 PURCHASE INFORMATION**

4 ~~The~~ In addition to the requirements set forth in G.S. 20-52(a), an applicant shall provide the following purchase
5 information ~~is required for~~ on the title application:

6 (1) The name and address of the person or firm from whom the vehicle was acquired;

7 (2) The date of purchase and whether the vehicle is new or used;

8 (3) ~~The dealer's~~ Dealer's certificate number;

9 (4) Whether the vehicle was acquired for use in North Carolina;

10 (5) ~~The purchase~~ Purchase price, verified by bill of sale on new vehicle;

11 (6) ~~The state~~ State of last registration;

12 (7) ~~The odometer~~ Odometer reading and federal odometer statement; and

13 (8) ~~The ad~~ Ad-valorem tax certification.

14

15 *History Note: Authority G.S. 20-1; 20-39; 20-52;*

16 *Eff. March 1, 1982;*

17 *Amended Eff. November 1, ~~1991~~ 1991;*

18 *Readopted Eff. June 1, 2021.*

19

1 19A NCAC 03C .0226 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0226 REGISTRATION: BUSES TO BE OPERATED FOR HIRE**

4 The registration for a bus to be operated for hire shall include the empty weight of the bus calculated to the nearest
5 100 pounds.

6

7 *History Note: Authority G.S. 20-1; 20-39; 20-87;*

8

Eff. March 1, 1982;

9

Amended Eff. December 1, ~~1993~~ 1993;

10

Readopted Eff. June 1, 2021.

11

1 19A NCAC 03C .0228 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0228 TITLE ONLY**

4 To obtain a Certificate of Title without a license ~~registration~~ plate, the applicant ~~must prove~~ shall verify that a license
5 fee or transfer is not due by indicating on the Application for Title. ~~due. (Registered [Registered] dealers are exempt~~
6 ~~from this Rule.)~~ ~~[rule.]~~

7

8 *History Note: Authority G.S. 20-1; 20-39; 20-50; 20-73; 20-79;*

9

Eff. March 1, 1982;

10

Amended Eff. December 1, ~~1993~~ 1993;

11

Readopted Eff. June 1, 2021.

12

1 19A NCAC 03C .0230 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0230 POWERS OF ATTORNEY: GUARDIANS**

4

5 *History Note: Authority G.S. 20-1; 20-39; 20-77;*

6 *Eff. March 1, ~~1982~~1982;*

7 *Repealed Eff. June 1, 2021.*

8

1 19A NCAC 03C .0234 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0234 MINORS MAY OWN VEHICLE**

4

5 *History Note: Authority G.S. 20-1; 20-39;*

6

Eff. March 1, 1982;

7

Amended Eff. December 1, ~~1993~~ 1993;

8

Repealed Eff. June 1, 2021.

9

1 19A NCAC 03C .0235 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2
3 **19A NCAC 03C .0235 APPLICATION FOR DUPLICATE TITLE**

4 ~~(a)~~ A duplicate certificate of title can be obtained if the original is lost, as provided for in G.S. 20-68.

5 ~~(a)(b)~~ If a title is not received from the Division of Motor Vehicles, a duplicate must be applied for. A lienholder
6 applying for a duplicate certificate of title ~~must~~ shall have the owner sign the application.

7 ~~(b)(e)~~ When a certificate of title is lost after the release of a lien, ~~then~~ the lienholder's affidavit that the lien has been
8 satisfied ~~must~~ shall accompany the owner's application for a duplicate. ~~[duplicate,]~~ duplicate certificate of title or for
9 an electronic lienholder, the lienholder shall request the lien be released electronically. A paper lien release shall not
10 be accepted on an electronic lien.

11 ~~(c)(d)~~ A duplicate certificate of title takes precedence over the original unless a false statement ~~[statement, as~~
12 ~~referenced in G.S. 20-54,]~~ made in the application invalidates the duplicate.

13 ~~(d)(e)~~ If the original certificate of title is lost after being endorsed, the purchaser ~~must~~ shall submit notarized affidavits
14 tracing the chain of ownership from the registered owner to the present owner and any lien cancellations involved
15 along with his or her application for a duplicate, duplicate certificate of title. ~~The application is aged 15 days before a~~
16 ~~title is issued.~~

17 ~~(e)(f)~~ If the original certificate of title is lost and the vehicle has been sold or traded, the owner ~~may make application~~
18 shall apply for a duplicate certificate of title and assign to the purchaser on the application. The Division shall not
19 issue a duplicate certificate of [application] ~~Application is aged 15 days.~~ ~~[for] title until [issuance is held for] 15 days~~
20 after the receipt of the application. ~~[days, per G.S. 20-68(b).]~~

21
22 *History Note: Authority G.S. 20-1; 20-39; 20-68; 20-54; ~~[20-68(b).]~~*

23 *Eff. March 1, 1982; 1982;*

24 *Readopted Eff. June 1, 2021.*

1 19A NCAC 03C .0236 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0236 PENALTY FOR FAILURE TO MAKE TRANSFER WITHIN 28 DAYS**

4

5 *History Note: Authority G.S. 20-1; 20-39; 20-73; 20-77;*

6 *Eff. March 1, 1982;*

7 *Amended Eff. December 1, 1993; November 1, ~~1991~~, 1991;*

8 *Repealed Eff. June 1, 2021.*

9

1 19A NCAC 03C .0403 is readopted as published in 5:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0403 VAN POOL LICENSE PLATE**

4

5 *History Note: Authority G.S. 20-39; 20-87; 20-88.1;*

6

Eff. July 1, 1978;

7

Amended Eff. October 1, 1984; February 1, ~~1982~~ 1982;

8

Repealed Eff. June 1, 2021.

9

1 19A NCAC 03C .0404 readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0404 ORIGINAL REGISTRATION: STAGGERED REGISTRATION SYSTEM**

4

5 *History Note: Authority G.S. 20-39; 20-50; 20-66;*

6 *Eff. July 1, 1978;*

7 *Amended Eff. February 1, ~~1982~~ 1982;*

8 *Repealed Eff. June 1, 2021.*

9

1 19A NCAC 03C .0414 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0414 APPLICATION FOR LICENSE**

4

5 *History Note: Authority G.S. 20-39; 20-50; 20-66; 20-79; 20-81.7; 20-83; 20-86.1;*

6

Eff. March 1, ~~1982~~1982;

7

Repealed Eff. June 1, 2021.

8

1 19A NCAC 03C .0419 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0419 GOLF CARTS**

4

5 *History Note: Authority G.S. 20-4.01; 20-39; 20-87; 20-88.1;*

6

Eff. March 1, ~~1982~~1982;

7

Repealed Eff. June 1, 2021.

8

1 19A NCAC 03C .0420 is readopt as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0420 HANDICAPPED PLACARD**

4 Handicapped persons who do not own an automobile may be issued distinguishing placards for a ~~fee.~~ **fee of \$5.00.**
5 ~~five dollars (\$5.00).~~ If the handicapped placard is lost or stolen, ~~the a fee~~ **of \$5.00** shall be required for
6 ~~replacement.~~ ~~replacement is five dollars (\$5.00).~~

7

8 *History Note: Authority G.S. 20-37.6(c);*

9 *Eff. March 1, 1982;*

10 *Amended Eff. December 1, 1994; December 1, ~~1993~~, 1993;*

11 *Readopted Eff. June 1, 2021.*

12

1 19A NCAC 03C .0421 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0421 VEHICLES USED FOR PASSENGER AND PROPERTY CARRYING**

4 The property carrying registration fee applies to the following vehicles when they are used commercially, on a regular
5 basis, to transport property:

6 (1) vehicles designed by the manufacturer as utility sedans, couriers, coupe-pickups, sedan ~~delivery~~
7 delivery, and handyman, carpenters;

8 (2) ~~Station-station~~ wagons and ~~suburbans~~ multi-purpose vehicles with the seat removed; and

9 (3) ~~regular~~ passenger cars with interiors so constructed or altered as to permit the transportation of
10 property.

11

12 *History Note: Authority G.S. 20-39; 20-87; 20-88;*

13 *Eff. March 1, 1982-1982;*

14 *Readopted Eff. June 1, 2021.*

15

1 19A NCAC 03C .0424 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0424 TRUCKS AND TRUCK TRACTORS (PRIVATE PROPERTY CARRYING)**

4 ~~(a) [The weight]Weight declaration to cover combined gross weight of self propelled property carrying vehicles and~~
5 ~~their load shall be made when [a]license is purchased. If the need arises, licensed Licensed weight can be increased~~
6 ~~or decreased.[as needed.]~~

7 ~~(b) Wrecker vehicles Vehicles of the wrecker type that are used to transport property as well as to and move disabled~~
8 ~~vehicles, or used to move vehicles that are not disabled, ~~are~~ shall be classed as trucks and ~~are~~ licensed as property~~
9 ~~carrying vehicles.~~

10

11 *History Note: Authority G.S. 20-39; 20-79; 20-84; 20-88; 20-118;*

12 *Eff. March 1, 1982;*

13 *Amended Eff. December 1, ~~1993~~1993;*

14 *Readopted Eff. June 1, 2021.*

15

1 19A NCAC 03C .0425 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0425 SPECIAL MOBILE EQUIPMENT**

4 **(a)** The special mobile equipment license affidavit MVR-295 application ~~must shall~~ accompany each application for
5 ~~title~~. title and include the following:

6 (1) Vehicle Information including year, make, body style, model, VIN number;

7 (2) Owner information including owner name and ID or North Carolina Driver License number,
8 address, tax county and insurance information; and

9 (3) Must be Notarized.

10 **(b)** If the vehicle is from a state having no registration requirements, bills of sale from at least the last two owners ~~are~~
11 shall be required. The bill of sale to the current owner shall be notarized. If there is only one prior owner, one bill of
12 sale shall be required. If no bill of sale can be provided, an indemnity bond shall be required.

13

14 *History Note: Authority G.S. 20-39; 20-87(10); 20-88;*

15 *Eff. March 1, 1982-1982;*

16 *Readopted Eff. June 1, 2021.*

17

1 19A NCAC 03C .0426 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0426 ~~TEN DAY~~ ~~[TEN DAY]~~ TEMPORARY REGISTRATION PLATE**

4 When a temporary ~~license plate~~ ~~registration~~ is issued on a property carrying vehicle, the registration is valid only for
5 the empty weight of the vehicle. If the vehicle is found to be carrying property, the regular license ~~plate~~ fee ~~is to~~ shall
6 be ~~assessed.~~ ~~[by the Division]~~ ~~[paid at]~~ retroactively assessed as of the time of the application of the temporary license
7 plate.

8

9 *History Note: Authority G.S. 20-39; 20-50;*

10 *Eff. March 1, ~~1982~~ 1982;*

11 *Readopted Eff. June 1, 2021.*

12

1 19A NCAC 03C .0428 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0428 APPLICATION FOR REPLACEMENT LICENSE OR VALIDATION STICKERS**

4 To be issued a replacement license plate or validation ~~stickers, sticker,~~ the owner must certify that he or she has
5 liability ~~insurance,~~ insurance pursuant to G.S. 20-109.

6

7 *History Note:* Authority G.S. 20-39; 20-64; 20-66; 20-68; **20-109;**

8

Eff. March 1, ~~1982~~ 1982;

9

Readopted Eff. June 1, 2021.

10

1 19A NCAC 03C .0429 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0429 LICENSE PLATE TRANSFER**

4

5 *History Note: Authority G.S. 20-39; 20-42; 20-64; 20-65; ~~20-64 through 20-66~~;*

6

Eff. March 1, 1982;

7

Amended Eff. December 1, ~~1993~~ 1993;

8

Repealed Eff. June 1, 2021.

1 19A NCAC 03C .0432 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2
3 **19A NCAC 03C .0432 TRANSPORTER'S REGISTRATION**

4 ~~(a) An application~~ Application for transporter registration shall ~~denote~~ include valid insurance information and all
5 other requirements as noted on MVR-16A. ~~information.~~ must be accompanied by a North Carolina Certificate of
6 Insurance. (The insurance must be in effect for the benefit of the applicant, either a comprehensive automobile policy
7 or a repossessed car policy.) Form MVR-16A shall include the following:

8 (1) the vehicle owner's driver's license number, name, address, and telephone number;

9 (2) the vehicle owner's insurance information;

10 (3) the vehicle owner's license plate number;

11 (4) if a North Carolina dealer, the NC Dealer number shall be required or the name of the customer's
12 repair facility.

13 ~~(b) Transporter plates may~~ shall be used only for limited operation of vehicles in connection with the ~~manufacturer,~~
14 ~~manufacture, construction or rebuilding of trucks, cabs or bodies, the foreclosure or repossession of vehicles owned~~
15 ~~or controlled by the registrant, the movement of replaced vehicles for sale by a public utility, the towing of mobile~~
16 ~~homes with properly licensed vehicles~~ ~~vehicles,~~ and to a person engaged in business which owns and operates a fleet
17 ~~of five or more trucks licensed for 15,000 gross pounds or more and maintains own repair facilities.~~

18
19 *History Note:* Authority G.S. 20-39; 20-79.2; ~~20-87(8);~~

20 *Eff. March 1, 1982;*

21 *Amended Eff. October 1, 1984.*

22 *Readopted Eff. June 1, 2021.*

1 19A NCAC 03C .0433 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0433 DRIVEAWAY REGISTRATION**

4 ~~Driveaway plates~~ Prior to the issuance of driveaway plates, a shall not be issued unless there is in effect, for the benefit
5 of the driveaway ~~company,~~ company shall obtain and maintain an insurance policy which ~~that~~ would cover any new
6 vehicle being operated by the company.

7

8 *History Note:* Authority G.S. 20-39; 20-87(8); ~~20-109; 1~~

9

Eff. March 1, 1982-1982;

10

Readopted Eff. June 1, 2021.

11

1 19A NCAC 03C .0436 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0436 HIGHWAY USE TAX**

4

5 *History Note: Authority G.S. 20-39; 105-187.3;*

6 *Eff. November 1, 1991;*

7 *Amended Eff. January 1, ~~1994~~1994;*

8 *Repealed Eff. June 1, 2021.*

9

1 19A NCAC 03C .0501 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0501 FOR HIRE OPERATIONS**

4 ~~The Division of Motor Vehicles shall determine if a~~ carrier ~~seeking a for-hire license shall meet any applicable~~
5 ~~requirements of city boards in accordance with GS. 160A-304, the North Carolina Utilities Commission in accordance~~
6 ~~with G.S. 62-260, and the Unified Carrier Registration Agreement and the International Registration Plan prior to the~~
7 ~~issuance of a license requires a for hire license and if the carrier is regulated by the city boards, the North Carolina~~
8 ~~Utilities Commission, or the Interstate Commerce Commission. Carriers subject to a regulatory agency may shall not~~
9 ~~obtain a license until the agency requirements have been met.~~

10

11 *History Note:* Authority G.S. 20-4.01; 20-39; 20-44; 20-50; 20-86; 20-87; 20-88; ~~20-88.1; 20-382;~~

12

Eff. July 1, 1978;

13

Amended Eff. March 1, 1982-1982;

14

Readopted Eff. June 1, 2021.

15

1 19A NCAC 03C .0520 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2

3 **19A NCAC 03C .0520 FOR HIRE OPERATIONS DEFINED**

4

5 *History Note: Authority G.S. 20-4.01; 20-39; 62-3; 62-276;*

6 *Eff. March 1, 1982;*

7 *Amended Eff. December 1, ~~1993~~ 1993;*

8 *Repealed Eff. June 1, 2021.*

9

1 19A NCAC 03C .0521 is proposed for readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2

3 **19A NCAC 03C .0521 TAXICAB**

4 (a) Taxis operating more than five miles outside an incorporated city or town ~~must~~ shall certify via affidavit on form
5 MVR-320 that they are outside the corporate limits and are exempt from local requirements.

6 (b) Form MVR-320 shall include the following:

7 (1) the year, make, body style, and VIN number of the vehicle;

8 (2) the principal operator of the vehicle;

9 (3) the acknowledgment that the applicant will not travel within five miles of a city limit or are required
10 to obtain a certificate of convenience and necessity from the city; and

11 (4) an attestation under oath before a notary that the information on the application is true and also a
12 complete affidavit of the applicant.

13

14 *History Note: Authority G.S. 20-4.01; 20-37; 20-39; 20-86; 20-87;*

15 *Eff. March 1, 1982;*

16 *Amended Eff. December 1, ~~1993~~ 1993;*

17 *Readopted Eff. June 1, 2021.*

18

1 19A NCAC 03E .0401 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2
3 **19A NCAC 03E .0401 GENERAL INFORMATION**

4 (a) Apportionable vehicles used or intended for use in two or more jurisdictions that allocate or proportionally register
5 vehicles for the transportation of persons or property, ~~unless excepted by [the Rules of] this Section, are required to~~
6 shall be registered in accordance with the provisions of the International Registration Plan. The International
7 Registration Plan [requirement] is hereby incorporated by reference, including subsequent amendments and editions,
8 which can be found at no cost at the Division's International Registration Plan offices in Charlotte or Raleigh, and
9 online at <https://www.ncdot.gov/dmv/programs/commercial-trucking/Pages/default.aspx>. "Apportionable vehicle"

10 (b) The term "Apportionable Vehicle"~~[Apportionable Vehicle]~~ as used in ~~[the Rules of] this RuleSection~~ means any
11 vehicle, except recreational vehicles, vehicles displaying restricted plates, city pick up and delivery vehicles, buses
12 used in transportation of chartered parties, and government-owned vehicles, used, or intended for use, in two or more
13 member jurisdictions that allocate or proportionally register vehicles and is used for the transportation of persons for
14 hire or designed, used or maintained primarily for the transportation of property and:

- 15 (1) is a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in
16 excess of 26,000 pounds; ~~or~~
17 (2) is a power unit having three or more axles regardless of weight; or
18 (3) is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle
19 weight.

20 ~~(b)(c)~~ Vehicles, or combinations thereof, having a gross vehicles-vehicle weight of 26,000 pounds or less and two-
21 axle vehicles and buses used in transportation of chartered parties may be proportionally registered at the option of
22 the registrant.

23 ~~(e)(d)~~ The Raleigh and Charlotte ~~Offices-offices~~ of the North Carolina Division of Motor Vehicles shall register
24 vehicles under the International Registration Plan. Registrants or other interested persons ~~may~~ shall obtain the
25 International Registration Plan manual and the application schedule forms from:

- 26 (1) North Carolina Division of Motor Vehicles
27 I.R.P. Section
28 1425 Rock Quarry Road
29 Suite 100
30 Raleigh, North Carolina 27610; or
31 (2) North Carolina Division of Motor Vehicles
32 I.R.P. Unit
33 6016 Brookshire Blvd.
34 Charlotte, North Carolina 28216.

35 ~~(d)(c)~~ The principles for implementation of this registration reciprocity agreement among states of the United States
36 and provinces of Canada ~~are~~ shall be found in the most recent publication of the International Registration Plan

1 Policies and Procedures Manual, the Uniform Operation Audit Procedures Guidelines and the North Carolina
2 Department of Transportation, Division of Motor Vehicles International Registration Plan Manual.
3 (e) The ~~appropriate~~ forms for the International Registration Plan and rental vehicles ~~may~~shall be obtained from the
4 International Registration Plan Section (IRP) of the Division of Motor Vehicles, Raleigh, North Carolina.

5

6 *History Note: Authority G.S. 20-86.1; 20-91;*

7 *Eff. July 1, 1983;*

8 *Amended Eff. April 30, 1997; December 1, 1993; November 1, ~~1991~~1991;*

9 *Readopted Eff. June 1, 2021.*

10



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 19, 2021

Helen Landi
Department of Transportation – Division of Motor Vehicles
Sent via email only to: hlandi@ncdot.gov

Re: Extension of the Period of Review for Rules 19A NCAC 03C .0202, .0220, .0221, .0222, .0223, .0224, .0226, .0228, .0232, .0235, .0420, .0421, .0424, .0425, .0426, .0428, .0432, .0433, .0436, .0501, .0521, and 03E .0401; and Objection to Rules 19A NCAC 03C .0230, .0234, .0236, .0403, .0404, .0414, .0419, .0429, .0520

Dear Ms. Landi:

At its meeting on April 15, 2021, the Rules Review Commission extended the period of review for 19A NCAC 03C .0202, .0220, .0221, .0222, .0223, .0224, .0226, .0228, .0232, .0235, .0420, .0421, .0424, .0425, .0426, .0428, .0432, .0433, .0436, .0501, .0521, and 03E .0401 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review. Please note that when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days pursuant to G.S. 150B-21.13.

In addition, the Commission objected to 19A NCAC 03C .0230, .0234, .0236, .0403, .0404, .0414, .0419, .0429, .0520 in accordance with G.S. 150B-21.10 as follows:

- 19A NCAC 03C .0230: The Commission objected to this Rule for lack of statutory based upon the cited authority.
- 19A NCAC 03C .0234: The Commission objected to this Rule for ambiguity, finding that the overall intent of this Rule is unclear. To the extent this Rule is intended to provide that statutes are inapplicable to rules, the Commission found that it is beyond the authority of the agency.
- 19A NCAC 03C .0236: The Commission objected to this Rule for lack of statutory authority, finding that this Rule expands the exceptions set forth in G.S. 20-73.
- 19A NCAC 03C .0403: The Commission objected to this Rule for lack of statutory authority as there is no reference to van pools or van pool license plates in the cited authority.
- 19A NCAC 03C .0404: The Commission objected to this Rule for lack of statutory authority as the reference to “staggered registration” in the cited authority was repealed by S.L. 1993-761.

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov



STATE OF NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS

- 19A NCAC 03C .0414: The Commission objected to this Rule as being ambiguous, finding that it is unclear what is meant by “short periods.” Further, it is unclear as to when and how the Division will determine whether it will “license vehicles owned by nonresidents.” Finally, it is unclear what it means to “license” a vehicle.
- 19A NCAC 03C .0419: The Commission objected to this Rule for lack of statutory authority, finding that this Rule conflicts with G.S. 20-54 and G.S. 20-4.01.
- 19A NCAC 03C .0429: The Commission objected to this Rule for lack of statutory authority, finding that this Rule is addressed by and conflicts with G.S. 20-64.
- 19A NCAC 03C .0520: The Commission objected to this Rule for ambiguity, finding that the overall intent of this Rule is unclear as the term “for hire operations” does not appear to be used elsewhere in the agency’s rules or authorizing statutes. To the extent “for-hire” is necessary to implement or interpret Chapter 20 of the North Carolina General Statutes, this term is addressed by G.S. 20-4.01 in the definitions of “for-hire motor carrier” and “for-hire passenger vehicle.”

Please respond to the Commission’s objections in accordance with the provisions of G.S. 150B-21.12.

If you have any questions regarding the Commission’s actions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber May".

Amber May
Commission Counsel

cc: Hannah Jernigan

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0202

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given G.S. 20-71.3, is this Rule necessary? Please review and revise as necessary.

Throughout this Rule, what is meant by “shall be brought forward”? Do you mean “shall apply”?

Throughout this Rule, please use consistent language where possible. I think that using consistent language could help clarify this Rule.

In Item (1), change “will” to “shall”

In Item (3), change “or new” to “or newer”

In Item (4)(c), you can't have an (i) without an (ii). Please correct the formatting.

In Items (7) and (8) submitted to whom?

In Item (9), how are these to be branded? This Item appears to be missing something. Please review for clarity. Should “it must be” be a separate sentence?

In Item (11), how is the brand to be determined? Who is to make this determination?

In Item (12), Certificate of Title? Line 1 appears to be missing a word.

In Item (12), change “will” to “shall”

Are the substantive requirements of the forms referenced in this Rule set forth elsewhere in rule or statute?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0202 readopted as published in 35:14 NCR 1569-1571 without changes as follows:

2
3 **19A NCAC 03C .0202 TITLING AND REGISTRATION OF BRANDED VEHICLES**

4 Upon application for title and registration of a motor vehicle as defined in G.S. 20-4.01(33), the following rules apply:

5 (1) Flood vehicles will be branded "Water/Flood Damage Vehicle" on the title and "WATR-FLD" on
6 the registration card.

7 (2) ~~Non-U.S.A.-Non-USA~~ vehicles ~~may shall~~ be titled and registered with an inspector's report to verify
8 the vehicle meets Environmental Protection Agency standards and that the vehicle is operable.~~the~~
9 ~~brand "Non-U.S.A." printed on the card, but will not be titled unless and until documentary proof is~~
10 ~~received from the applicant showing that the vehicle has been modified to meet United States safety~~
11 ~~and emission control standards.~~ The title will ~~then shall~~ reflect the brand "Non-U.S.A. vehicle".Non-
12 USA vehicle.

13 (3) ~~Reconstructed vehicles will be branded "RECONST" on the registration card and "Reconstructed~~
14 ~~vehicle" on the title. The application for title must be accompanied by the Inspector's report showing~~
15 ~~the vehicle was inspected prior to being rebuilt and was reinspected when completed, and the~~
16 ~~rebuilder's affidavit detailing the repairs made including proof of ownership of the parts used.~~
17 ~~Salvage vehicles not inspected prior to being rebuilt will be branded "Reconstructed vehicle."~~

18 (4)(3) ~~Salvage vehicles will be branded "SALVAGE" on the registration card and "Salvage vehicle" on~~
19 ~~the title. The application for title must be accompanied by the Inspector's report to show the vehicle~~
20 ~~is operable and requires no repairs.~~If a NC Salvage Certificate of Title MVR-40 is being transferred
21 to an individual or dealer and the vehicle is six model years old or new, it must be accompanied by:

22 (a) LT-275 Report of Initial Examination of Salvage Vehicle;

23 (b) LT-276 Affidavit of Rebuilder or Owner; and

24 (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

25 (i) The title and registration records shall notate a Total Loss Claim. If the three
26 documents above are not submitted with the title, then a LT-270 Report of
27 Examination Vehicle is required, and the title shall be branded as Reconstructed
28 with Total Loss Claim noted. The registration records shall reflect Reconstructed
29 and Total Loss Claim.

30 (4) ~~If a branded out of state title is transferred from an insurance company's name to an individual or~~
31 ~~dealer and the vehicle is six model years old or newer, it shall be accompanied by:~~

32 (a) LT-275 Report of Initial Examination of Salvage Vehicle;

33 (b) LT-276 Affidavit of Rebuilder or Owner; and

34 (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.

35 (i) The previous title's brand will be included on the new NC Certificate of Title. If
36 the three documents above are not submitted with the title, a LT-270 Report of
37 Examination of Motor Vehicle, shall be required and the title shall be branded as

Reconstructed.

- 1
- 2 (5) If a NC Salvage Certificate of Title MVR-40 is being transferred to an individual or dealer and the
- 3 vehicle is older than six model years the brand will be brought forward, and the inspector's report
- 4 shall not be required.
- 5 (6) If a branded out-of-state title is transferred from an insurance company's name to an individual or
- 6 dealer, and the vehicle is older than six model years, it must be accompanied by a LT-270 Report
- 7 of Examination of Motor Vehicle. The previous title's brand shall be brought forward on the new
- 8 NC Certificate of Title.
- 9 (7) If a branded out-of-state title is submitted and in an individual's name or is assigned to an individual
- 10 or dealer, the brand shall be brought forward and an inspector's report shall not be required,
- 11 regardless of the year.
- 12 (8) If a branded out-of-state title is submitted in a dealer's name or is assigned to an individual or dealer,
- 13 regardless of the year, it must be accompanied by a LT-20 Report of Examination of Motor Vehicle.
- 14 The brand will be brought forward on the new NC Certificate of Title.
- 15 ~~(5)~~(9) Salvage rebuilt vehicles will be branded if a NC Salvage Certificate of Title, MVR-40, is being
- 16 transferred to an individual or dealer and is six model years old or newer, it must be accompanied
- 17 by:
- 18 (a) LT-275 Report of Initial Examination of Salvage Vehicle;
- 19 (b) LT-276 Affidavit of Rebuilder or Owner; and
- 20 (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.
- 21 (i) The title and registration records shall notate Total Loss Claim. If the three
- 22 documents above are not submitted with the title, a LT-270 Report of Examination
- 23 of Motor Vehicle is required, and the title will be branded as Reconstructed with
- 24 Total Loss Claim noted. The registration records shall reflect Reconstructed and
- 25 Total Loss Claim. For vehicles more than six model years old, the current brand
- 26 shall be brought forward.
- 27 ~~"SAL RBLT" on the registration card and "Salvage Rebuilt vehicle" on the title. The application for title~~
- 28 ~~must be accompanied by the Inspector's report showing the vehicle was inspected prior to being~~
- 29 ~~rebuilt and reinspected when completed, and the rebuilder's affidavit detailing the repairs made~~
- 30 ~~including proof of ownership of the parts. Failure to have the vehicle inspected prior to repair will~~
- 31 ~~result in the vehicle being branded a reconstructed vehicle.~~
- 32 (10) If a NC Salvage Certificate of Title, MVR-40, is being transferred to an individual or dealer and is
- 33 more than six model years old, the current brand shall be brought forward and an inspector's report
- 34 shall not be required.
- 35 (11) If an out-of-state title in the name of an insurance company without a brand is transferred to an
- 36 individual or dealer and the vehicle is six model years old or newer, it shall be accompanied by the
- 37 LT-270 Report of Examination of Motor Vehicle. The brand shall also be required.

1 (12) If an out-of-state title or a NC Certificate of is being transferred to an insurance company's name
2 and is more than six model years old, a NC Salvage Certificate of Title, MVR-40, will notate Total
3 Loss Claim and shall be branded Salvage Rebuilt.

4 ~~(6)~~(13) Junk vehicles are marked "Junked" on the registration records only. The title must be submitted
5 indicating the vehicle is incapable of operation or use upon the highways and has no resale value
6 except as a source of parts or scraps.

7
8 *History Note: Authority G.S. 20-1; 20-4.01(33); 20-39; 20-71.3; 20-109.1;*
9 *Eff. July 1, 1978;*
10 *Amended Eff. December 1, 1993; November 1, 1991; January 1, ~~1988~~.1988;*
11 *Readopted Eff. May 1, 2021.*
12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0220

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of Paragraph (a)? With the exception of (a)(5), it appears to essentially recite G.S. 20-4.01(20), just in list form. Is it necessary? Please note that I don't have any issue with your authority here given "other information as required."

If you do need Paragraph (a), please consider revising (a) to say something like "(a) The term A Manufacturer's Certificate "Manufacturer's Certificate" is as defined by G.S. 20-4.01(20) 20-4.01(20). The certificate ~~must~~ shall contain the following information:..."

In (a)(2), what is "it"? The certificate or the vehicle? I believe that this is "the name of the transferee" in accordance with the statute. Please clarify.

Is (a)(5) intended to be in addition to the signature of the manufacturer as required by G.S. 20-4.01(20) or is the "countersignature" intended to be that signature? Please clarify?

In (b), when would an assignment be appropriate? I see that G.S. 20-4.01 provides that a Manufacturer's Certificate is for the "first transfer", so where does the reassignment fit within this definition. Is (b) supposed to address the "Manufacturer's Certificate of Transfer" as provided in G.S. 20-52.1? If so, please use language consistent with the statute.

What is the overall intent of (b)? I don't understand "shall contain the following criteria" given the context of Subparagraphs of (b).

Just to be sure that I understand, the purchaser referenced in (b)(1) is one that is subsequent to the initial transferee that originally received the Manufacturer's Certificate?

In (b)(2) through (b)(6), if (b) is supposed to address the "Certificate of Transfer", please change "reassignment" and "assignment" to "transfer" in order to be consistent with Statute.

In (b)(3), how is the "assignment to agree with the name on the dealer's license"? Do they just have to match?

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

In (b)(6), what are “alterations of improper assignment”?

Am I correct that your authority for (a)(6) is 20-54(1)?

In the History Note, how do G.S. 20-85, and 20-309 apply here?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0220 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2
3 **19A NCAC 03C .0220 MANUFACTURER'S CERTIFICATE OF ORIGIN**

4 (a) The term Manufacturer's Certificate "~~Manufacturer's Certificate~~" is defined by G.S. 20-4.01(20). The certificate
5 ~~must~~ shall contain the following information:

- 6 (1) the transfer date;
- 7 (2) to whom it is issued;
- 8 (3) the vehicle description;
- 9 (4) the manufacturer's name and address (may be preprinted); and
- 10 (5) a countersignature of agent (rubber stamped or written).

11 (b) ~~Assignment~~ The Assignment of Manufacturer's Certificate ~~Certificate~~ shall contain the following criteria:

- 12 (1) If the purchaser is not a licensed dealer, the certificate of title ~~must~~ shall be obtained prior to further
13 transfer.
- 14 (2) When an assignment is made by a manufacturer to a dealer, the dealer ~~must~~ shall make the re-
15 assignment on the reverse side of the Manufacturer's Certificate.
- 16 (3) ~~Assignment~~ The assignment shall ~~must~~ agree with the name on the dealer's license.
- 17 (4) Lien information ~~must~~ shall be recorded in the assignment.
- 18 (5) Assignments ~~must~~ shall be notarized.
- 19 (6) Alterations of improper assignment ~~will~~ shall void the Manufacturer's Certificate and ~~will~~ shall
20 require the return of the certificate to the manufacturer for correction.

21
22 *History Note: Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-54; 20-85; 20-309;*
23 *Eff. March 1, 1982;*
24 *Amended Eff. December 1, 1993-1993;*
25 *Readopted Eff. May 1, 2021.*
26

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0221

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

On lines 4-5, please write this in active voice and say who shall do what. A suggestion is to change “the following shall be required” to “the applicant shall: (1) provide documentary proof...; (2) submit the certification...; (3) pay the required fees and taxes.”

In (1), how will it be determined what will be “acceptable to the Commissioner”? What factors will be used in making this determination? Can you provide some examples as to what may be acceptable?

In (2), what is the “certification of liability insurance”? Is there a cross-reference available? I assume that it is G.S. 20-309?

In Item (3), what are the required fees and taxes? Is there a cross-reference available? Is this considered a transfer under G.S. 20-85(a)(4)? Alternatively, does this fall under G.S. 20-87? With regard to the taxes, I see that G.S. 105-187.6(c) caps the taxes at \$250, but is there a cross-reference for how they are calculated?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0221 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0221 REGISTRATION OF OUT-OF-STATE REGISTERED VEHICLES**

4 When an application is made to register a vehicle currently registered in another state, district, or territory, the
5 following ~~is~~ shall be required:

6 (1) the documentary proof of ownership acceptable to the ~~commissioner~~; Commissioner of Motor
7 Vehicles;

8 (2) the certification of liability insurance; and

9 (3) the payment of fees and ~~highway use tax~~ taxes.

10

11 *History Note: Authority G.S. 20-1; 20-39; 20-52; 20-85; 20-309; 105-187.6(c);*

12 *Eff. March 1, 1982;*

13 *Amended Eff. December 1, ~~1993~~ 1993;*

14 *Readopted Eff. May 1, 2021.*

15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0222

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please write line 4 in active voice and say who will do what. A suggestion would be something like "In order to register a custom-built motor vehicle or trailer, an applicant shall submit the following:"

In Item (1), is the appraisal for the final custom-built vehicle or trailer?

*In Item (2), is the cancellation from the **original** motor or frame that was used in the custom build?*

In Item (2), where is the underlying requirement that it be cancelled? It makes sense, so I'm sure that it's somewhere, but I'm only seeing a requirement that they surrender registration cards, certificates of title and original titles on vehicles 35 years and older (this is in G.S. 20-53.)

Please confirm that the substantive requirements of the forms referenced in Items (3), (4), and (5) are provided elsewhere in rule or statute.

In Item (4), I assume that this the bill of sale required in Item (1)? What if they go with the appraisals instead?

In Item (6), I'm not sure that I understand the reference to the Indemnity Bond. Is this saying that they can either submit an Indemnity Bond or a Certificate of Origin?

Please add G.S. 20-53.1 to the History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0222 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0222 REGISTRATION: CUSTOM BUILT MOTOR VEHICLES AND TRAILERS**

4 Registration of a ~~custom-built~~ ~~custom-built~~ motor vehicle or trailer requires the following:

5 (1) the bills of sale for the principal ~~parts~~; parts or two appraisals from two different NC dealers with
6 Indemnity Bonds;

7 (2) the cancellation of the title if the number on the motor or frame is registered in North Carolina;

8 (3) the form ~~MVR-1~~ MVR-1 Title Application indicating custom built and the date;

9 (4) ~~a~~ the MVR-55 Affidavit for Custom or Replica Built Vehicles, which is a notarized statement that
10 the vehicle was built from parts described by the bills of sale; ~~and~~

11 (5) ~~inspection~~ the LT-270 Report of Examination of Motor Vehicles, which is completed after an
12 inspection by a motor vehicles ~~inspector~~; inspector; and

13 (6) the MCO's Manufacturer's Certificate of Origin for motor, frame, and transmission assigned to an
14 individual or Indemnity Bond.

15

16 *History Note: Authority G.S. 20-1; 20-4.01; 20-39; 20-53;*

17 *Eff. March 1, 1982;*

18 *Amended Eff. December 1, 1993; August 1, ~~1982~~.1982;*

19 *Readopted Eff. May 1, 2021.*

20

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0223

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Generally so I understand, what is the difference between a house car and a motor home? I see in statute they are consistently used together in “motor home or house car”, but in this Rule I’m seeing a difference in the two.

Please consider revising the Title to provide when this is applicable, and remove the “ETC.” Perhaps “Motor Homes and House Cars”?

Please revise (a) to say who shall do what. A suggestion would be something like “The manufacturer of the chassis shall provide a Manufacturer’s Certificate of Origin to the manufacturer of the motor home.

Is (b), is this intended to address a van that is turned into a house car as it is defined by G.S. 20-4.01? If so, please say that.

Please revise (b) to say who shall do what. As written, I’m not sure that I understand the intent. Is the application being presented to the Division? Is the intent here to say something like “Any applicant seeking to register a vehicle that has been converted to a house car shall submit the following information: (1) an application for registration; (2) a Manufacturer’s Certificate of Origin describing the van; (3) a Certificate of Origin describing the conversion kit; (4) an explanation regarding the changes sufficient to determine the trade name, body style, and license classification.” I think that perhaps revising this to say who shall do what may clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0223 is readopted as published in 35:14 NCR 1569-1571 without changes as follows:

2

3 **19A NCAC 03C .0223 REGISTRATION: MOTOR HOMES, ETC.**

4 (a) When a manufacturer sells a chassis to a motor home manufacturer, a Manufacturer's Certificate of Origin assigned
5 by the manufacturer of the chassis to the manufacturer of the motor home ~~is~~ shall be required. The Manufacturer's
6 Certificate of Origin ~~must~~ shall show the serial number of the chassis.

7 (b) If an application for registration of a customized van is presented with a Manufacturer's Certificate or Origin
8 describing the van and another certificate describing the conversion kit, then an owner's statement explaining changes
9 is required ~~in order~~ to determine the trade name, body ~~style~~ style, and license classification of the van.

10

11 *History Note: Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-53;*

12 *Eff. March 1, 1982;*

13 *Amended Eff. January 1, ~~1994~~.1994;*

14 *Readopted Eff. May 1, 2021.*

15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0224

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Are these the complete contents of the Title Application (which I assume is the MVR-1), or are there other substantive requirements? Is this in addition to the requirements provided by G.S. 20-52 and the Rules of this Section? I note that some of the information is repetitive of that in G.S. 20-52. Please review and revise as necessary. If the intent is to require additional information over what is already required by G.S. 20-52 (which I think is fine given "may request other information the Division deems necessary), please say something like "In addition to the requirements set forth in G.S. 20-52(a), the application for registration and Certificate of Title shall include the following:" Then delete the repetitive information.

Please consider revising this to say who shall do what. Here, would it be appropriate to say something like "The applicant shall provide the following purchasing information in the title application"? Also, is this always applicable for all vehicles? Is this only applicable for vehicles purchased from a dealership? This may take care of some of the questions below.

Please begin Items (1) through (8) with lower-case letters.

In Item (2), what if the vehicle is gifted? I'm wondering about G.S. 20-73 which says that a new Certificate of Title shall be obtained "whether purchase or otherwise."

Regarding Item (3), is this Rule not applicable if this occurs for a sale outside of a dealer?

I assume that your regulated public is familiar with Items (7) and (8)?

Should G.S. 20-73 be added to your History Note?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0224 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0224 PURCHASE INFORMATION**

4 The following purchase information is required for the title application:

5 (1) The name and address of the person or firm from whom the vehicle was acquired;

6 (2) The date of purchase and whether the vehicle is new or used;

7 (3) The dealer's~~Dealer's~~ certificate number;

8 (4) Whether the vehicle was acquired for use in North Carolina;

9 (5) The purchase~~Purchase~~ price, verified by bill of sale on new vehicle;

10 (6) The state~~State~~ of last registration;

11 (7) The odometer~~Odometer~~ reading and federal odometer statement; and

12 (8) The ad~~Ad~~-valorem tax certification.

13

14 *History Note: Authority G.S. 20-1; 20-39; 20-52;*

15 *Eff. March 1, 1982;*

16 *Amended Eff. November 1, ~~1991~~1991;*

17 *Readopted Eff. May 1, 2021.*

18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0226

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

On line 4, by “the registration” are you referring to the Registration Card or the application for registration?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0226 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0226 REGISTRATION: BUSES TO BE OPERATED FOR HIRE**

4 The registration for a bus to be operated for hire shall include the empty weight of the bus calculated to the nearest
5 100 pounds.

6

7 *History Note: Authority G.S. 20-1; 20-39; 20-87;*

8

Eff. March 1, 1982;

9

Amended Eff. December 1, ~~1993~~ 1993;

10

Readopted Eff. May 1, 2021.

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0228

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Just so I understand, this rule would be applicable when a vehicle is transferred, but the plate transfers with the vehicle, such that a new plate is not sought? If that's correct, the only requirement for this is that a fee or transfer isn't due?

On line 4, what is a "license registration plate"? I don't see this language elsewhere in your Rules or Chapter 20. I do see "registration plate" and "license plate."

How is an applicant to "verify" that a fee or transfer is not due? Does this occur on the application? If so, is this necessary?

Also, how is the applicant to know whether a license fee or transfer is due? Is there a cross-reference available?

Does G.S. 20-73 have any applicability here? It appears to me to be appropriate for inclusion in your History Note as authority.

Is the last sentence of this Rule necessary? This appears to be addressed by G.S. 20-73(b). I note that G.S. 20-73(b) provides more exemptions than just dealers, but also provides some limitations.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0228 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0228 TITLE ONLY**

4 To obtain a Certificate of Title without a license registration plate, the applicant ~~must prove~~ shall verify that a license
5 fee or transfer is not due. (~~Registered~~ Registered dealers are exempt from this ~~Rule.~~ rule.)

6

7 *History Note: Authority G.S. 20-1; 20-39; 20-50; 20-79;*

8

Eff. March 1, 1982;

9

Amended Eff. December 1, ~~1993~~ 1993;

10

Readopted Eff. May 1, 2021.

11

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0230

RECOMMENDED ACTION:

- Approve
- Object, based on:
 - X Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff is recommending objection to this Rule as being beyond the statutory authority of the agency. Powers of attorney are provided in Chapter 32C of the North Carolina General Statutes. The Powers of a guardian are provided by Chapter 35A of the North Carolina General Statutes.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0230

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Overall, what is your authority for this Rule? Practically speaking, I realize that this may be accurate, but wouldn't this come from the power of attorney, courts, or a different body of law, as opposed to your Rules?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0230 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0230 POWERS OF ATTORNEY: GUARDIANS**

4 Any person holding a duly executed power of attorney or who is a legally appointed guardian ~~may~~shall act for the
5 owner in applying for the registration of a vehicle.

6

7 *History Note: Authority G.S. 20-1; 20-39; 20-77;*

8

Eff. March 1, ~~1982~~1982;

9

Readopted Eff. May 1, 2021.

10

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0232

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please revise this to say who shall do what. Perhaps something like “any person seeking verification of information regarding license numbers, ownership, or liability insurance shall submit a written request and pay the fee set forth in G.S. 20-42(b).” Assuming that is the correct cross-reference.

What is to be included in the written request?

What is the fee? That set forth in G.S. 20-42(b)? If so, please provide that cross-reference.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0232 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0232 REGISTRATION INFORMATION AND CERTIFIED RECORDS FEES**

4 Verification of information from Division of Motor Vehicles records as to license numbers, ownership, or liability
5 insurance requires a written request and ~~fee. fee of one dollar (\$1.00) per record. Certified copies of these records are~~
6 ~~provided for a fee of five dollars (\$5.00) per document.~~

7

8 *History Note: Authority G.S. 20-1; 20-39; 20-42;*

9

Eff. March 1, 1982;

10

Amended Eff. November 1, 1991; December 1, ~~1984~~, 1984;

11

Readopted Eff. May 1, 2021.

12

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0234

RECOMMENDED ACTION:

- Approve
- Object, based on:
 - X Lack of statutory authority
 - X Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff is recommending objection to this Rule as the overall intent of this Rule is unclear. To the extent this Rule is intended to provide that statutes are inapplicable to rules, it is staff's opinion that this is beyond the authority of the agency.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0234

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule and what is your specific authority?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0234 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0234 MINORS MAY OWN VEHICLE**

4 The statutes governing minors, and their liability or nonliability for contracts, have no direct application to the rules
5 of the certificate of title law.

6

7 *History Note: Authority G.S. 20-1; 20-39;*

8

Eff. March 1, 1982;

9

Amended Eff. December 1, ~~1993~~ 1993;

10

Readopted Eff. May 1, 2021.

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0235

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Throughout this Rule you have said both “duplicate title” and “duplicate certificate of title.” Assuming these are the same, please be consistent both within this Rule and with your other rules.

Are the contents of the application for duplicate title provided elsewhere in rule or statute? If not, please provide them here.

In (b), delete “then”

In Paragraph (c), what is meant by “A duplicate certificate takes precedence”? Is the original void after the issuance of a duplicate?

In Paragraph (c), when would a “false statement invalidate the duplicate”? Is there a cross-reference available?

In (d), change “his” to either “the” or “his or her”

In (e), what is meant by “The application is aged 15 days”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0235 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0235 APPLICATION FOR DUPLICATE TITLE**

4 ~~(a) A duplicate certificate of title can be obtained if the original is lost, as provided for in G.S. 20-68.~~

5 ~~(b) If a title is not received from the Division of Motor Vehicles, a duplicate must be applied for.~~ A lienholder
6 applying for a duplicate title ~~must~~ shall have the owner sign the application.

7 ~~(c) When a title is lost after the release of a lien, then the lienholder's affidavit that the lien has been satisfied must~~
8 ~~shall accompany the owner's application for a duplicate.~~ duplicate, or for an electronic lienholder, the lienholder shall
9 request the lien be released electronically. A paper lien release shall not be accepted on an electronic lien.

10 ~~(d) A duplicate certificate of title takes precedence over the original unless a false statement made in the application~~
11 ~~invalidates the duplicate.~~

12 ~~(e) If the original title is lost after being endorsed, the purchaser must~~ shall submit notarized affidavits tracing the
13 chain of ownership from the registered owner to the present owner and any lien cancellations involved along with his
14 application for a duplicate. ~~The application is aged 15 days before a title is issued.~~

15 ~~(f) If the original title is lost and the vehicle has been sold or traded, the owner may make application~~ shall apply
16 for a duplicate title and assign to the purchaser on the application. The application Application is aged 15 days.

17

18 *History Note: Authority G.S. 20-1; 20-39; 20-68;*

19 *Eff. March 1, 1982-1982;*

20 *Readopted Eff. May 1, 2021.*

21

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0236

RECOMMENDED ACTION:

- Approve
- Object, based on:
 - X Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff is recommending objection to this rule for lack of statutory authority. G.S. 20-73 provides exceptions to the requirement that an application for a certificate of title be submitted within 28 days of a transfer of a vehicle. This Rule appears to expand those exceptions.

§ 20-73. New owner must get new certificate of title.

(a) Time Limit. - A person to whom a vehicle is transferred, whether by purchase or otherwise, must apply to the Division for a new certificate of title. An application for a certificate of title must be submitted within 28 days after the vehicle is transferred. A person who must follow the procedure in G.S. 20-76 to get a certificate of title and who applies for a title within the required 20-day time limit or who transfers title to a vehicle pursuant to a sworn certificate pursuant to G.S. 20-52.1(d) is considered to have complied with this section even when the Division issues a certificate of title to the person after the time limit has elapsed.

A person may apply directly for a certificate of title or may allow another person, such as the person from whom the vehicle is transferred or a person who has a lien on the vehicle, to apply for a certificate of title on that person's behalf. A person to whom a vehicle is transferred is responsible for getting a certificate of title within the time limit regardless of whether the person allowed another to apply for a certificate of title on the person's behalf.

(b) Exceptions. - This section does not apply to any of the following:

- (1) A dealer or an insurance company to whom a vehicle is transferred when the transfer meets the requirements of G.S. 20-75.
- (2) A State agency that assists the United States Department of Defense with purchasing, transferring, or titling a vehicle to another State agency, a unit of local government, a volunteer fire department, or a volunteer rescue squad.

(c) Penalties. - A person to whom a vehicle is transferred who fails to apply for a certificate of title within the required time is subject to a civil penalty of twenty dollars (\$20.00) and is guilty of a Class 2 misdemeanor. A person who undertakes to apply for a certificate of title on behalf of another person and who fails to apply for a title within the required time is subject to a civil penalty of twenty dollars (\$20.00). When a person to whom a vehicle is transferred fails

to obtain a title within the required time because a person who undertook to apply for the certificate of title did not do so within the required time, the Division may impose a civil penalty only on the person who undertook to apply for the title. Civil penalties collected under this subsection shall be credited to the Highway Fund. (1937, c. 407, s. 37; 1939, c. 275; 1947, c. 219, s. 6; 1961, c. 360, s. 9; 1975, c. 716, s. 5; 1991, c. 689, s. 332; 1993, c. 539, s. 339; 1994, Ex. Sess., c. 24, s. 14(c); 2005-276, s. 44.1(j); 2009-81, s. 1; 2009-550, s. 2(b); 2015-241, s. 29.30(i); 2018-42, s. 2(g); 2018-145, s. 4.)

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0236

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*What is your authority for this Rule? To the extent that you have authority, is it necessary?
G.S. 20-73 provides the exceptions to the 28 day requirement.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0236 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0236 PENALTY FOR FAILURE ~~TO MAKE~~ TO MAKE TRANSFER WITHIN 28 DAYS**

4 The following are exempted from the requirement to make application for a title within 28 days of acquiring a vehicle
5 (G.S. 20-73):

- 6 (1) a licensed ~~dealers~~;dealer;
- 7 (2) the transfer upon inheritance;
- 8 (3) a transfer by operation of law where confirmation of the sale is required;
- 9 (4) a transfer by the court, such court (~~such as bankruptcy and confiscation~~);confiscation;
- 10 (5) a dealer ~~dealers~~ or reposseors-repossessor when applying for title in their name; and
- 11 (6) an out-of-state dealer ~~out of state dealers~~—reassigning North Carolina titles to North Carolina
12 purchasers.

13

14 *History Note: Authority G.S. 20-1; 20-39; 20-73; 20-77;*

15 *Eff. March 1, 1982;*

16 *Amended Eff. December 1, 1993; November 1, ~~1991~~;1991;*

17 *Readopted Eff. May 1, 2021.*

18

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0403

RECOMMENDED ACTION:

Approve

Object, based on:

X Lack of statutory authority

Unclear or ambiguous

Unnecessary

Failure to comply with the APA

Extend the period of review

COMMENT:

Staff is recommending objection to this Rule for lack of statutory authority. Staff does not see any reference to van pools or van pool license plates in the cited authority.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0403

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Overall, what is your authority for a van pool plate? I don't see it referenced in any of the cited authority, nor anywhere else in Chapter 20. The only reference to sharing of cost that I see is in G.S. 20-4.01(27)f.2., which just says that these types of arrangements are not considered for-hire. Are these private motor carriers? If you do have authority for it, please note the below.

What is considered to be "van pooling"? Is it just when two or more people share the cost of transportation? Does it count if I carpool with one other person who gives me gas money?

On line 6, please define "proper" in "proper classification"

On lines 6-7, are the substantive requirements for the application form set forth elsewhere in rule or statute? If not, please provide them.

Why is 20-88.1 included in the History Note?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0403 is readopted as published in 5:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0403 VAN POOL LICENSE PLATE**

4 Residents of North Carolina engaged in van pooling where the costs of operation are shared by the passengers ~~may~~
5 shall apply for a special van pool license plate. If the vehicle ceases to ~~be operated~~ operate in a van pool, the plate
6 ~~must~~ shall be exchanged for one of the proper classification. The application form required for this plate is available
7 from the Vehicle Registration Section of the Division of Motor Vehicles.

8

9 *History Note: Authority G.S. 20-39; 20-87; 20-88.1;*

10 *Eff. July 1, 1978;*

11 *Amended Eff. October 1, 1984; February 1, ~~1982~~-1982;*

12 *Readopted Eff. May 1, 2021.*

13

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0404

RECOMMENDED ACTION:

Approve

Object, based on:

X Lack of statutory authority

Unclear or ambiguous

Unnecessary

Failure to comply with the APA

Extend the period of review

COMMENT:

Staff is recommending objection to this Rule for lack of statutory authority. The reference in G.S. 20-66 to “staggered registration” was repealed by S.L. 1993-761.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0404

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is your authority for this Rule? S.L. 1993-761 repealed the staggered expiration reference in G.S 20-66.

If you have authority, is this Rule necessary?

Also, is this Rule accurate? I'm reading this to say that an owner of a vehicle has the ability and responsibility to tell the Division when their registration will expire. Please review and revise as necessary for accuracy and clarity.

What is the "staggered registration system" and how does an owner know whether his or her vehicle is in it?

In (a), lines 6-7, what is meant by "the owner shall furnish a statement, upon request, showing the expiration month of his or her registered vehicle"? Is the Division not responsible for this information?

In (b), what is meant by "at the discretion of the Division"? How is this determined?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0404 readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0404 ORIGINAL REGISTRATION: STAGGERED REGISTRATION SYSTEM**

4 (a) Owners of vehicles in the staggered registration system, at the time of original registration of a newly acquired
5 vehicle for which there is no plate to transfer, ~~may shall~~ register ~~their a~~ vehicle to expire in the same month as other
6 vehicles registered in their ~~name.~~ name, as long as the registration expires within the same year. The owner ~~must shall~~
7 furnish a statement, upon request, showing the expiration month of his or her other registered ~~vehicle(s).~~ vehicle.

8 (b) Registrants with no vehicles currently in the staggered system ~~will shall~~ be registered to expire at the discretion
9 of the Division.

10

11 *History Note: Authority G.S. 20-39; 20-50; 20-66;*

12 *Eff. July 1, 1978;*

13 *Amended Eff. February 1, ~~1982.~~1982;*

14 *Readopted Eff. May 1, 2021.*

15

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0414

RECOMMENDED ACTION:

- Approve
- Object, based on:
 - Lack of statutory authority
 - X Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff is recommending objection to this Rule as being unclear and beyond the authority of the agency. Specifically, as it pertains to lines 6-8, it is unclear what is meant by “short periods.” Further, it is unclear as to when and how the Division will determine whether it will “license vehicles owned by nonresidents.” Finally, it is unclear what it means to “license” a vehicle. Elsewhere in these Rules and the cited authority, vehicles are “registered.”

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0414

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Overall, please review this rule to ensure that it still complies with statute and is accurate with regard to the process. Please revise for clarity.

*On line 4, G.S. 20-52 says that the application is for a Certificate of title and registration. So, what is a application for title and **license**? I note that I don't see this language elsewhere in your Rules.*

Given your other rules and statutes, is it necessary to says "License fees are collected at the time of first registration? This appears to be addressed elsewhere.

What is the purpose and authority for lines 6-8? Is this regarding G.S. 20-50(a) and the ability for a one-way trip permit? If so, please make this more clear. If not, what is your specific authority?

On line 6, what is meant by "license vehicles"? Does this mean register them?

On line 6, how will it be determined whether the Division will license nonresident vehicles without issuing a Certificate of Title? What factors will be used?

On line 7, please take the language out of the parenthesis as this language seems to be important and necessary.

On line 7, define "short periods"

In your History Note, G.S. 20-81.7 was repealed in 1991.

I believe that G.S. 20-52 should be included in the History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0414 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0414 APPLICATION FOR LICENSE**

4 The application for a North Carolina title is a joint application for title and license. License fees are collected at the
5 time of first registration. North Carolina residents ~~may~~shall not obtain a license plate in North Carolina without first
6 ~~making application~~applying for a North Carolina Certificate of Title. The Division, at its discretion, may license
7 vehicles owned by nonresidents (and operated interstate or within the state for short periods) without issuing a
8 Certificate of Title.

9

10 *History Note: Authority G.S. 20-39; 20-50; 20-66; 20-79; 20-81.7; 20-83; 20-86.1;*

11 *Eff. March 1, 1982-1982;*

12 *Readopted Eff. May 1, 2021.*

13

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0419

RECOMMENDED ACTION:

- Approve
- Object, based on:
 - X Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff is recommending objection to this Rule for lack of statutory authority. This Rule requires the registration of golf carts as “low-speed vehicles.” G.S. 20-54 specifically says that the “Division shall refuse registration or issuance of a Certificate of Title [for]... a golf cart.” Further, G.S. 20-4.01 defines a “golf cart” as a vehicle that is incapable of exceeding 20 miles per hour. G.S. 20-4.01(27)g. defines a “low-speed vehicle” as one capable of traveling between 20 and 25 miles per hour. As such, this Rule directly conflicts with statute.

§ 20-54. Authority for refusing registration or certificate of title.

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:...

- (8) The vehicle is a golf cart or utility vehicle.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0419

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is your authority to require the licensing of golf carts? G.S. 20-54 specifically says that the "Division shall refuse registration or issuance of a Certificate of Title or any transfer of registration [for]... (8)... a golf cart."

What is meant by "shall be licensed"? Does this mean shall be registered?

In addition to G.S. 20-54, it appears as though requiring registration as a "low-speed vehicle" also conflicts with statute. G.S. 20-4.01(12b) defines a "golf cart" as a vehicle that is incapable of exceeding 20 miles per hour. G.S. 20-4.01(27)g. defines a "low-speed vehicle" as one capable of traveling between 20 and 25 miles per hour. As such, the statute does not include golf-carts as low speed vehicles.

What is your specific authority to charge a fee for registration of golf-carts?

Why is 20-88.1 included in the History Note?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0419 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0419 GOLF CARTS**

4 A golf cart ~~is not classified as a motorcycle. It must~~ shall be licensed, ~~licensed~~ when used on the ~~highway, highway~~
5 as a regular passenger-carrying vehicle. A golf cart shall be registered as a low-speed vehicle. The fee for registration
6 is the same as ~~that for~~ an automobile.

7

8 *History Note: Authority G.S. 20-4.01; 20-39; 20-87; 20-88.1;*

9

Eff. March 1, 1982-1982;

10

Readopted Eff. May 1, 2021.

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0420

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the required fee for the issuance and replacement? It looks like G.S. 20-37.6 is the "actual cost", but no less than \$5.00.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0420 is readopt as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0420 HANDICAPPED PLACARD**

4 Handicapped persons who do not own an automobile may be issued distinguishing placards for a ~~fee, fee of five dollars~~
5 ~~(\$5.00).~~ If the handicapped placard is lost or stolen, the a fee shall be required for replacement. ~~replacement is five~~
6 ~~dollars (\$5.00).~~

7

8 *History Note: Authority G.S. 20-37.6(c);*

9

Eff. March 1, 1982;

10

Amended Eff. December 1, 1994; December 1, ~~1993~~ 1993;

11

Readopted Eff. May 1, 2021.

12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0421

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Is this Rule necessary? G.S. 20-4.01 defines a “property hauling vehicle.” If it is necessary, what is the overall intent of this Rule?

Delete or define “commercially” and “on a regular basis”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0421 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0421 VEHICLES USED FOR PASSENGER AND PROPERTY CARRYING**

4 The property carrying registration fee applies to the following vehicles when ~~they are~~ used commercially, on a regular
5 basis, to transport property:

6 (1) vehicles designed by the manufacturer as utility sedans, couriers, coupe-pickups, sedan ~~delivery~~
7 delivery, and handyman;carpenters;

8 (2) ~~Station-station~~ wagons and ~~suburbans~~ multi-purpose vehicles with the seat removed;

9 (3) ~~regular~~ passenger cars with interiors so constructed or altered as to permit the transportation of
10 property.

11

12 *History Note: Authority G.S. 20-39; 20-87; 20-88;*

13 *Eff. March 1, ~~1982~~.1982;*

14 *Readopted Eff. May 1, 2021.*

15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0424

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given 20-88(a), is Paragraph (a) necessary? They seem to provide the same information regarding the calculation of weight.

In (a), how is this declaration to be made? On the application?

In (a), what is meant by “when a license is purchased”? I see that G.S. 20-88 says “for the purpose of licensing”, but it’s unclear to me what that means given the registration language elsewhere.

In (a), line 6, did you intend to include “decreased”? It looks like it was inadvertently left out.

In (a), if the weight needs to be changed, how will it be done? A form?

Is (b) necessary given the definition of “wrecker” in G.S. 20-4.01 and the inclusion of “wrecker” as a property-hauling vehicle in G.S. 20-88? I note that Paragraph (b) appears to expand the definition of “wrecker” to include those that transport only property. I read 20-88 to define wrecker as only vehicles that move other vehicles.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0424 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0424 TRUCKS AND TRUCK TRACTORS (PRIVATE PROPERTY CARRYING)**

4 (a) ~~The weight~~ Weight declaration to cover combined gross weight of self-propelled property-carrying vehicles and
5 their load shall be made when a license is purchased. ~~If the need arises, licensed~~ Licensed weight can be increased or
6 ~~decreased as needed.~~

7 (b) Wrecker vehicles ~~Vehicles of the wrecker type that are~~ used to transport property as well as to and move disabled
8 vehicles, or used to move vehicles that are not disabled, ~~are~~ shall be classed as trucks and ~~are~~ licensed as property
9 carrying vehicles.

10

11 *History Note: Authority G.S. 20-39; 20-79; 20-84; 20-88; 20-118;*

12 *Eff. March 1, 1982;*

13 *Amended Eff. December 1, ~~1993~~ 1993;*

14 *Readopted Eff. May 1, 2021.*

15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0425

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule? Is this essentially setting down additional requirements for registration of special mobile equipment over the usual application for certificate of title?

Are the substantive requirements of the special mobile equipment license application set forth elsewhere in rule or statute? If not, please provide them here.

What if the vehicle is from a state having registration requirements? Does it matter whether there is reciprocity?

Would there never be a circumstance in which there were no prior owners?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0425 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0425 SPECIAL MOBILE EQUIPMENT**

4 The special mobile equipment license application ~~must~~shall accompany each application for title. If the vehicle is
5 from a state having no registration requirements, bills of sale from at least the last two owners ~~are~~shall be required.

6 The bill of sale to the current owner shall be notarized. If there is only one prior owner, one bill of sale shall be
7 required. If no bill of sale can be provided, an indemnity bond shall be required.

8

9 *History Note: Authority G.S. 20-39; 20-87(10); 20-88;*

10 *Eff. March 1, ~~1982~~-1982;*

11 *Readopted Eff. May 1, 2021.*

12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0426

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please keep in mind that we read rules without the titles because titles can be changed without going through the rulemaking process. Given that G.S. 20-50(b) gives you the authority to set the time period of temporary licenses, I assume that is the intent here. If that is correct, please make it clear within the body of the text of the Rule.

Practically speaking, I'm not sure that I understand what's going on here. Is the intent here to say that a property hauling vehicle (as referenced in 20-88) can get a ten day temporary license at its empty weight, but if it is caught carrying property, then they have to go ahead and pay the full registration fee? Meaning, that it can't haul property until it gets a regular license in accordance with G.S. 20-88?

On line 5, shall be assessed by whom, when, and how?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0426 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0426 ~~TEN-DAY~~TEN-DAY TEMPORARY REGISTRATION PLATE**

4 When a temporary registration is issued on a property carrying vehicle, the registration is valid only for the empty
5 weight of the vehicle. If the vehicle is found to be carrying property, the regular license fee ~~is to~~ shall be assessed.

6

7 *History Note:* Authority G.S. 20-39; 20-50;

8

Eff. March 1, ~~1982~~ 1982;

9

Readopted Eff. May 1, 2021.

10

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0428

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

When is this Rule applicable? The rule speaks to replacement, presumably under G.S. 20-68, but the History Note cites to statutes regarding renewal as well. Please review and revise as necessary.

How is the owner to certify that he or she has liability insurance?

Please provide the appropriate cross-reference to the underlying requirement regarding liability insurance.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0428 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0428 APPLICATION FOR REPLACEMENT LICENSE OR VALIDATION STICKERS**

4 To be issued a replacement license plate or validation ~~stickers, sticker,~~ the owner must certify that he or she has
5 liability insurance.

6

7 *History Note: Authority G.S. 20-39; 20-64; 20-66; 20-68;*

8

Eff. March 1, ~~1982~~ 1982;

9

Readopted Eff. May 1, 2021.

10

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0429

RECOMMENDED ACTION:

Approve

Object, based on:

X Lack of statutory authority

Unclear or ambiguous

Unnecessary

Failure to comply with the APA

Extend the period of review

COMMENT:

Staff is recommending objection to this Rule for lack of statutory authority. Specifically, portions of this Rule appear to be addressed by or conflict with G.S. 20-64.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0429

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), are these “procedures”? Do you need lines 4-5? If not, please renumber accordingly.

Given G.S. 20-64, do you need Paragraph (b)? If so, please ensure that these Subparagraphs don't conflict with statute.

In (b), change “do not” to “shall not” Also, G.S. 20-64(b) says that they have to apply for a correction; therefore, this appears to conflict with statute.

In (b), delete “20-64 defines the law in this area”

In (b), what is meant by “conditions that do affect the transfer of license plates are:”? Do you mean something like “

In (c), what is a semi-permanent plate?

In (c), how will it be determined whether a plate will be invalidated following expiration?

In (d), what are the “other classification of plates”? Is this set forth elsewhere?

In (e), commissioner of what? Also, please capitalize “commissioner”

In your History Note, G.S. 20-65 was repealed in 1979.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0429 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2
3 **19A NCAC 03C .0429 LICENSE PLATE TRANSFER**

4 (a) The procedure for transferring a plate when disposition of the vehicle is other than by sale or transfer of interest
5 is as follows:

6 (1) When the vehicle is dismantled and the title is marked junked (~~title marked junked~~), the owner may,
7 if insurance is in effect, make application to transfer the plate to another vehicle. The plate may be
8 used, on a vehicle of the same category, for 20 days while in the process of having the transfer
9 recorded.

10 (2) When the vehicle is parked, to be sold or for later use, or to be changed from a private to a for hire
11 operation, the plate may be transferred to another vehicle of like category provided the owner gets
12 a new registration certificate before operating the vehicle. The 20-day transfer period is not allowed
13 in this case.

14 (b) Corporate, partnership or proprietorship name changes do not constitute a change in ownership for purposes of
15 registration with the Division. G.S. 20-64 defines the law in this area. Conditions that do affect the transfer of license
16 plates are:

17 (1) The plate does not remain with the vehicle when ownership passes from a subsidiary corporation to
18 the parent corporation.

19 (2) A plate may not be transferred from one existing corporation to another existing corporation.

20 (3) A plate issued to a corporation may pass to a stockholder if the corporation is dissolved.

21 (4) A plate issued in the trade name of a proprietor may not be transferred to a vehicle registered in the
22 proprietor's personal name. Registration may be made, however, made however in the personal
23 name and trade name, i.e., John Thomas Jones (T/A) Thomas Car Works.

24 (5) If an unincorporated proprietor or unincorporated partnership transfers his interest in a vehicle to a
25 corporation on which he is a stockholder, the plate may not be transferred.

26 (6) When the registered owner dies, transfer of interest in the vehicle to anyone other than the surviving
27 spouse requires the issuance of a new plate.

28 (c) Transfer of plates, annual or semi-permanent, is not allowed during the grace period following the expiration date
29 of the plate. If a plate has expired, it may be validated and then assigned to another vehicle.

30 (d) Division automobile inspectors and weigh station personnel may accept applications and render receipts for
31 transfer of common carrier license plates in addition to other classifications of plates.

32 (e) Intrastate common carriers operating under the authority of the North Carolina Utilities Commission, must present
33 a copy of their equipment list, as filed with the commissioner, to the officer accepting the application for transfer of
34 plates.

35
36 *History Note:* Authority G.S. 20-39; 20-42; 20-64; 20-65; 20-64 through 20-66;

37 *Eff. March 1, 1982;*

38 *Amended Eff. December 1, 1993-1993;*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0432

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), please say who shall do what. At the very least, please change “denote” to “include” for purposes of consistency.”

In (a), are the substantive requirements of the application set forth elsewhere in rule or statute? I see that G.S. 20-79.2 gives you the authority to require information, but does not provide what that information is.

Is (b) necessary? G.S. 20-79.2(a) appears to provide when transporter plates are appropriate.

In (b), what is meant by “properly licensed vehicles”?

In (b), line 11, what is meant by “licensed for over 15000 gross pounds”?

Why is G.S. 20-87(8) included as authority here? It appears as though the fee is covered by G.S. 20-79.2(b).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0432 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0432 TRANSPORTER'S REGISTRATION**

4 (a) ~~An application~~ Application for transporter registration shall denote valid insurance information, ~~must be~~
5 ~~accompanied by a North Carolina Certificate of Insurance. (The insurance must be in effect for the benefit of the~~
6 ~~applicant, either a comprehensive automobile policy or a repossessed car policy.)~~

7 (b) Transporter plates ~~may~~ shall be used only for limited operation of vehicles in connection with the manufacturer,
8 ~~manufacture,~~ construction or rebuilding of trucks, cabs or bodies, the foreclosure or repossession of vehicles owned
9 or controlled by the registrant, the movement of replaced vehicles for sale by a public utility, the towing of mobile
10 homes with properly licensed ~~vehicles~~ vehicles, and to a person engaged in business which owns and operates a fleet
11 of five or more trucks licensed for 15,000 gross pounds or more and maintains own repair facilities.

12

13 *History Note: Authority G.S. 20-39; 20-79.2; 20-87(8);*

14 *Eff. March 1, 1982;*

15 *Amended Eff. October 1, 1984-1984;*

16 *Readopted Eff. May 1, 2021.*

17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0433

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Just so I understand, I assume that the driveaway plate is issued to the company, then the company uses the plate on each new vehicle they drive away? Then, they remove the tag once they get to the place of sale?

Please consider revising this to say what shall be done, as opposed to what shall not. A suggestion would be something like "Prior to the issuance of driveaway plates, a driveaway company shall obtain and maintain insurance that would cover any new vehicle being operated by the company."

Are there any other requirements to obtain driveaway plates? Must they complete an application?

Please include any additional authority, including that for the requirement of insurance.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0433 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0433 DRIVEAWAY REGISTRATION**

4 Driveaway plates shall not be issued unless there is in effect, for the benefit of the driveaway company, an insurance
5 policy which would cover any new vehicle being operated by the company.

6

7 *History Note: Authority G.S. 20-39; 20-87(8);*

8

Eff. March 1, ~~1982~~ 1982;

9

Readopted Eff. May 1, 2021.

10

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0436

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Is "Tec Data Systems, Inc." considered to be a generally recognized organization in accordance with G.S. 150B-21.6 and a is the schedule of values a recognized automotive reference manual in accordance with G.S. 105-187.3(c)?

If the intent is to incorporate this schedule of values by reference, please do so in accordance with G.S. 150B-21.6.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0436 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0436 HIGHWAY USE TAX**

4 Used vehicles are taxed by the schedule of values published by ~~Tax Equity Consultants, Inc., P.O. Box 4388, Cary,~~
5 ~~North Carolina 27519 4388,~~ Tec Data Systems, Inc., 4917 Waters Edge Drive, Suite 100, Raleigh, North Carolina
6 27606. including all subsequent editions and amendments. ~~A copy of their publication may be obtained at a price of~~
7 ~~forty dollars (\$40.00).~~

8

9 *History Note: Authority G.S. 20-39; 105-187.3;*

10 *Eff. November 1, 1991;*

11 *Amended Eff. January 1, 1994.1994;*

12 *Readopted Eff. May 1, 2021.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0501

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule? Is it just to say something like “a carrier seeking a for-hire license shall meet any applicable requirements of city boards in accordance with G.S. 160A-304, the North Carolina Utilities Commission in accordance with G.S. 62-260 (and whatever else may be applicable), and the Interstate Commerce Commission (if this is still applicable.” Please note that I have just taken a guess with regard to the appropriate cross-references. Please check behind me. Also, is this in addition to the requirements of the Division?

If you choose not to use the suggestion, how will the Division determine whether the carrier is regulated? Also, please provide the appropriate cross-references to the additional requirements.

What is the Interstate Commerce Commission? It appears as though this was dismantled in 1995. Does this have something to do with G.S. 20-382?

Please add any additional authority. I note that you’ve included G.S. 62-3 and 62-276 elsewhere.

Why is 20-88.1 included in the History Note?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0501 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0501 FOR HIRE OPERATIONS**

4 The Division of Motor Vehicles shall determine if a carrier requires a for hire license and if the carrier is regulated by
5 the city boards, the North Carolina Utilities Commission, or the Interstate Commerce Commission. Carriers subject
6 to a regulatory agency ~~may~~shall not obtain a license until the agency requirements have been met.

7

8 *History Note: Authority G.S. 20-4.01; 20-39; 20-44; 20-50; 20-86; 20-87; 20-88; 20-88.1;*

9

Eff. July 1, 1978;

10

Amended Eff. March 1, ~~1982~~1982;

11

Readopted Eff. May 1, 2021.

12

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0520

RECOMMENDED ACTION:

- Approve
- Object, based on:
 - Lack of statutory authority
 - X Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff is recommending objection to this Rule as being unclear or ambiguous. The term “for hire operations” does not appear to be used elsewhere in the agency’s rules or authorizing statutes; therefore, it is unclear to staff what the overall intent of this Rule is. To the extent “for-hire” is necessary to implement or interpret Chapter 20 of the North Carolina General Statutes, this term is addressed by G.S. 20-4.01 in the definitions of “for-hire motor carrier” and “for-hire passenger vehicle.”

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0520

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Overall, is this Rule necessary? Other than the title of .0501, I don't see "for hire operation" used elsewhere in your rules or statutes. I note that "for-hire motor carrier" and "for-hire passenger vehicle" are defined by G.S. 20-4.01.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0520 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0520 FOR HIRE OPERATIONS DEFINED**

4 A for hire operation is defined as:

- 5 (1) The use of motor vehicles to transport passengers, or the property of another, for which the owner
- 6 receives compensation or the equivalent either directly or ~~indirectly~~; indirectly; or
- 7 (2) The rental of passenger vehicles to be operated by the lessee for which the owner receives
- 8 compensation or the equivalent either directly or ~~indirectly~~; or indirectly.
- 9 ~~(3) The transportation of house trailers for compensation.~~

10

11 *History Note: Authority G.S. 20-4.01; 20-39; 62-3; 62-276;*
 12 *Eff. March 1, 1982;*
 13 *Amended Eff. December 1, ~~1993~~.1993;*
 14 *Readopted Eff. May 1, 2021.*

15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0521

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Overall, what is the intent of this Rule? I assume that this is getting to G.S. 20-37 and is essentially getting to the regulation of taxicab drivers that are five miles outside the corporate limits?

How are they to “certify”? Does this happen in their application?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03C .0521 is proposed for readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2

3 **19A NCAC 03C .0521 TAXICAB**

4 Taxis operating more than five miles outside an incorporated city or town ~~must~~shall certify that they are outside the
5 corporate limits and are exempt from local requirements.

6

7 *History Note: Authority G.S. 20-4.01; 20-39; 20-86; 20-87;*

8

Eff. March 1, 1982;

9

Amended Eff. December 1, ~~1993~~-1993;

10

Readopted Eff. May 1, 2021.

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03E .0401

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

I read (a) and (b) to conflict with regard to buses used in the transportation of chartered parties. (a) says they have to be registered in accordance with this Plan, (b) says that they can be at the discretion of the registrant.

On line 5, what is meant by “unless excepted by the Rules of this Section”? I don’t see that any exceptions are provided by Section .0400 of Chapter 03E. Do you mean “this Paragraph” or “this Rule”?

On line 5, change “are required to be” to “shall be”

On line 7, please put “quotation marks around “apportionable vehicles”

On line 7, by “the Rules of this Section”, do you mean “this Rule”?

On line 10, add a comma after “used”

On line 11, delete or define “primarily”

What is the “International Registration Plan”? Is the intent to incorporate this by reference in accordance with G.S. 150B-21.6?

For purposes of clarity, please consider revising this Paragraph to say who is eligible to be “proportionally registered” in list form.

In (b), should “gross vehicles weight” be “gross vehicle weight”?

In (b), what does it mean to be “proportionally registered”?

In (c), what is the “International Plan Manual”? Does this meet the definition of a Rule as set forth in G.S. 150B-2(8a)? Is this the same manual referenced in (d)?

In (c), are the “supplication schedule forms” the same forms referenced in Paragraph (e)?

Amber May

Commission Counsel

Date submitted to agency: Tuesday, March 30, 2021

In Paragraph (d), is it the intent to incorporate the “international Registration Plan Policies and Procedures Manual” and the “Uniform Operation Audit Procedure Guidelines” by reference in accordance with G.S. 150B-21.6? If so, please use the necessary language.

What is the “DMV International Registration Plan Manual”? Does this meet the definition of a Rule as set forth in G.S. 150B-2(8a)? Is this the same Manual referenced in (c)?

What are the “appropriate forms” for the International Registration Plan and rental vehicles? Are the substantive requirements for these forms set forth elsewhere in rule or statute?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

1 19A NCAC 03E .0401 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2
3 **19A NCAC 03E .0401 GENERAL INFORMATION**

4 (a) Apportionable vehicles used or intended for use in two or more jurisdictions that allocate or proportionally register
5 vehicles for the transportation of persons or property, unless excepted by the Rules of this Section, are required to be
6 registered ~~in accordance~~ with the provisions of the International Registration Plan. "~~Apportionable vehicle~~" The term
7 Apportionable Vehicle as used in the Rules of this Section means any vehicle, except recreational vehicles, vehicles
8 displaying restricted plates, city pick up and delivery vehicles, buses used in transportation of chartered parties, and
9 government-owned vehicles, used, or intended for use, in two or more member jurisdictions that allocate or
10 proportionally register vehicles and is used for the transportation of persons for hire or designed, used or maintained
11 primarily for the transportation of property and:

- 12 (1) is a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in
13 excess of 26,000 pounds; ~~or~~
14 (2) is a power unit having three or more axles regardless of weight; or
15 (3) is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle
16 weight.

17 (b) Vehicles, or combinations thereof, having a gross vehicles weight of 26,000 pounds or less and two-axle vehicles
18 and buses used in transportation of chartered parties may be proportionally registered at the option of the registrant.

19 (c) The Raleigh and Charlotte ~~Offices~~ offices of the North Carolina Division of Motor Vehicles shall register vehicles
20 under the International Registration Plan. Registrants or other interested persons ~~may~~ shall obtain the International
21 Registration Plan manual and the application schedule forms from:

- 22 (1) North Carolina Division of Motor Vehicles
23 I.R.P. Section
24 1425 Rock Quarry Road
25 Suite 100
26 Raleigh, North Carolina 27610; or
27 (2) North Carolina Division of Motor Vehicles
28 I.R.P. Unit
29 6016 Brookshire Blvd.
30 Charlotte, North Carolina 28216.

31 (d) The principles for implementation of this registration reciprocity agreement among states of the United States and
32 provinces of Canada ~~are~~ shall be found in the most recent publication of the International Registration Plan Policies
33 and Procedures Manual, the Uniform Operation Audit Procedures Guidelines and the North Carolina Department of
34 Transportation, Division of Motor Vehicles International Registration Plan Manual.

35 (e) The appropriate forms for the International Registration Plan and rental vehicles ~~may~~ shall be obtained from the
36 International Registration Plan Section (IRP) of the Division of Motor Vehicles, Raleigh, North Carolina.

1 *History Note: Authority G.S. 20-86.1; 20-91;*
2 *Eff. July 1, 1983;*
3 *Amended Eff. April 30, 1997; December 1, 1993; November 1, ~~1991~~1991;*
4 *Readopted Eff. May 1, 2021.*
5