

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 631*
House Committee Substitute Favorable 8/6/09
Third Edition Engrossed 8/6/09

Short Title: DMV Bureau of License and Theft/Vehicles.

(Public)

Sponsors:

Referred to:

March 17, 2009

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING THE DISPOSITION AND USE OF SEIZED VEHICLES BY THE
3 DIVISION OF MOTOR VEHICLES, BUREAU OF LICENSE AND THEFT.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 20-49.3. Bureau of License and Theft; custody of seized vehicles.**

8 (a) Vehicles Seized by the Division of Motor Vehicles. – Notwithstanding any other
9 provision of law, the Division of Motor Vehicles, Bureau of License and Theft, may retain any
10 vehicle seized by the Division of Motor Vehicles, Bureau of License and Theft, in the course of
11 any investigation authorized by the provisions of G.S. 20-49 or G.S. 20-49.1 and forfeited to
12 the Division by a court of competent jurisdiction.

13 (b) Vehicles Seized by the United States Government. – Notwithstanding any other
14 provision of law, the Division may accept custody and ownership of any vehicle seized by the
15 United States Government, forfeited by a court of competent jurisdiction, and turned over to the
16 Division.

17 (c) Use of Vehicles. – All vehicles forfeited to, or accepted by, the Division pursuant to
18 this section shall be used by the Bureau of License and Theft to conduct undercover operations
19 and inspection station compliance checks throughout the State.

20 (d) Disposition of Seized Vehicles. – Upon determination by the Commissioner of
21 Motor Vehicles that a vehicle transferred pursuant to the provisions of this section is of no
22 further use to the agency for use in official investigations, the vehicle shall be sold as surplus
23 property in the same manner as other vehicles owned by the law enforcement agency and the
24 proceeds from the sale after deducting the cost of sale shall be paid to the treasurer or proper
25 officer authorized to receive fines and forfeitures to be used for the school fund of the county in
26 the county in which the vehicle was seized, provided, that any vehicle transferred to any law
27 enforcement agency under the provisions of this Article that has been modified to increase
28 speed shall be used in the performance of official duties only and not for resale, transfer, or
29 disposition other than as junk. The Division shall also reimburse the appropriate county school
30 fund for any diminution in value of any vehicle seized under subsection (a) of this section
31 during its period of use by the Division. Any vehicle seized outside of this State shall be sold as
32 surplus property in the same manner as other vehicles owned by the law enforcement agency
33 and the proceeds from the sale after deducting the cost of sale shall be paid to the treasurer and
34 placed in the Civil Fines and Forfeitures Fund established pursuant to G.S. 115C-457.1."

35 SECTION 2. This act is effective when it becomes law.

