

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1217**

Short Title: Notify DWI Lienholders Immediately.

(Public)

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Sponsors: Representatives Hackney; Barefoot and Goodwin.

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Referred to: Judiciary I.

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April 12, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO REQUIRE THAT LIENHOLDERS BE NOTIFIED IMMEDIATELY  
3 WHEN A MOTOR VEHICLE IS SUBJECT TO FORFEITURE FOR IMPAIRED  
4 DRIVING AFTER IMPAIRED DRIVING LICENSE REVOCATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-28.3(b) reads as rewritten:

7 "(b) Duty of Officer. – If the charging officer has probable cause to believe that a  
8 motor vehicle driven by the defendant may be subject to forfeiture under this section,  
9 the officer shall seize the motor vehicle and have it impounded. If the officer determines  
10 prior to seizure that the motor vehicle had been reported stolen, the officer shall not  
11 seize the motor vehicle pursuant to this section. If the officer determines prior to seizure  
12 that the motor vehicle was a rental vehicle driven by a person not listed as an authorized  
13 driver on the rental contract, the officer shall not seize the motor vehicle pursuant to this  
14 section, but shall make a reasonable effort to notify the owner of the rental vehicle that  
15 the vehicle was stopped and that the driver of the vehicle was not listed as an authorized  
16 driver on the rental contract. Probable cause may be based on the officer's personal  
17 knowledge, reliable information conveyed by another officer, records of the Division, or  
18 other reliable source. The seizing officer shall immediately notify the registered owner  
19 of the motor vehicle, if the owner was not driving the motor vehicle, and any lienholder  
20 holding a perfected security interest in the motor vehicle and the seizing officer shall  
21 notify the executive agency designated under subsection (b1) of this section as soon as  
22 practical but no later than 72 hours after seizure of the motor vehicle of the seizure in  
23 accordance with procedures established by the executive agency designated under  
24 subsection (b1) of this section."

25 **SECTION 2.** This act becomes effective January 1, 2002.