

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1217  
Committee Substitute Favorable 4/25/01

Short Title: Notify DWI Lienholders Immediately.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS AND INNOCENT  
MOTOR VEHICLE OWNERS WHEN A MOTOR VEHICLE IS SEIZED UNDER  
DWI FORFEITURE PROVISIONS.

The General Assembly of North Carolina enacts:

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

"(b) Duty of Officer. – If the charging officer has probable cause to believe that a motor vehicle driven by the defendant may be subject to forfeiture under this section, the officer shall seize the motor vehicle and have it impounded. If the officer determines prior to seizure that the motor vehicle had been reported stolen, the officer shall not seize the motor vehicle pursuant to this section. If the officer determines prior to seizure that the motor vehicle was a rental vehicle driven by a person not listed as an authorized driver on the rental contract, the officer shall not seize the motor vehicle pursuant to this section, but shall make a reasonable effort to notify the owner of the rental vehicle that the vehicle was stopped and that the driver of the vehicle was not listed as an authorized driver on the rental contract. Probable cause may be based on the officer's personal knowledge, reliable information conveyed by another officer, records of the Division, or other reliable source. The seizing officer shall notify the executive agency designated under subsection (b1) of this section as soon as practical but no later than ~~72~~24 hours after seizure of the motor vehicle of the seizure in accordance with procedures established by the executive agency designated under subsection (b1) of this section."

**SECTION 2.** G.S. 20-28.3(b1) reads as rewritten:

"(b1) Written Notification of Impoundment. – Within 48 hours of receipt within regular business hours of the notice of seizure, an executive agency designated by the Governor shall issue written notification of impoundment to the Division, to any lienholder of record and to any motor vehicle owner who was not operating the motor vehicle at the time of the offense. A notice of seizure received outside regular business hours shall be considered to have been received at the start of the next business day. ~~This notice~~The notification of impoundment shall be sent by first-class mail to the most

1 recent address contained in the Division's records. If the motor vehicle is registered in  
2 another state, notice shall be sent to the address shown on the records of the state where  
3 the motor vehicle is registered. This written notification shall provide notice that the  
4 motor vehicle has been seized, state the reason for the seizure and the procedure for  
5 requesting release of the motor vehicle. Additionally, if the motor vehicle was damaged  
6 while the defendant operator was committing an offense involving impaired driving or  
7 incident to the seizure, the agency shall issue written notification of the seizure to the  
8 owner's insurance company of record and to any other insurance companies that may be  
9 insuring other motor vehicles involved in the accident. The Division shall prohibit title  
10 to a seized motor vehicle from being transferred by a motor vehicle owner unless  
11 authorized by court order."

12 **SECTION 3.** G.S. 20-28.3 is amended by adding a new subsection to read:

13 "(b2) Additional Notification to Lienholders. – In addition to providing written  
14 notification pursuant to subsection (b1) of this section, within four hours of receipt  
15 within regular business hours of the notice of seizure, the executive agency designated  
16 under subsection (b1) of this section shall notify by telephone any lienholder of record  
17 that has provided the executive agency with a designated telephone number for  
18 notification of impoundment. The verbal notification of impoundment shall state that  
19 the vehicle has been seized, state the reason for the seizure, and notify the lienholder of  
20 the additional written notification that will be provided pursuant to subsection (b1) of  
21 this section. The executive agency shall establish procedures to allow a lienholder to  
22 provide one designated telephone number for notification of impoundment for any  
23 vehicle for which the lienholder is a lienholder of record and shall maintain a  
24 centralized database of the provided telephone numbers. The lienholder must provide a  
25 telephone number at which the executive agency may leave a verbal notification of  
26 impoundment at any time."

27 **SECTION 3.** This act becomes effective December 1, 2001.