

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 820  
Commerce Committee Substitute Adopted 5/12/09

Short Title: Create New Titling Categories.

(Public)

Sponsors:

Referred to:

March 25, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION  
3 CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES,  
4 STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING  
5 CHANGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-4.01(43) reads as rewritten:

8 "(43) Specially Constructed Vehicles. – ~~Vehicles of a type required to be~~  
9 ~~registered hereunder not originally constructed under a distinctive name,~~  
10 ~~make, model, or type by a generally recognized manufacturer of vehicles~~  
11 ~~and not materially altered from their original construction.~~ Motor vehicles,  
12 excluding motorcycles, that may be registered under this Chapter and that fit  
13 within one of the following categories:

- 14 a. Replica vehicle. – A vehicle originally sold unassembled and  
15 manufactured from a kit, which when assembled replicates an earlier  
16 year, make, and model vehicle.  
17 b. Street rod vehicle. – A vehicle manufactured prior to 1949, which  
18 has been modernized from the manufacturer's original design or has a  
19 body constructed from nonoriginal materials and for which the owner  
20 seeks a street rod registration classification.  
21 c. Custom vehicle. – A vehicle manufactured in or after 1949 and that  
22 is 25 years old or older, which has been modernized from the  
23 manufacturer's original design or has a body constructed from  
24 nonoriginal materials and for which the owner seeks a custom  
25 vehicle registration classification.

26 Unless the presence of specific equipment was required by State law as a  
27 condition of sale in the model year listed on the certificate of title, the  
28 presence of the equipment is not required for the operation of a specially  
29 constructed vehicle. Specially constructed vehicles are exempt from any  
30 provision of State law that requires periodic vehicle inspections or the use  
31 and inspection of emission controls."

32 **SECTION 2.** Part 3 of Article 3 of Chapter 20 is amended by adding a new section  
33 to read:

34 **"§ 20-53.1. Specially constructed vehicle certificate of title and registration.**

35 Specially constructed vehicles shall be titled in the following manner:

- 36 (1) Replica vehicles shall be titled as the year, make, and model of the vehicle  
37 intended to be replicated. A label of "Replica" shall be applied to the title



1 and registration card. All replica vehicle titles shall be branded "Specially  
2 Constructed Vehicle."

3 (2) The model year of a street rod vehicle shall continue to be recognized as the  
4 manufacturer's assigned model year. The manufacturer's name shall continue  
5 to be used as the make with a label of "Street Rod" applied to the title and  
6 registration card. All street rod vehicle titles shall be branded "Specially  
7 Constructed Vehicle."

8 (3) The model year of a custom vehicle shall continue to be recognized as the  
9 manufacturer's assigned model year. The manufacturer's name shall continue  
10 to be used as the make with the label of "Custom" applied to the title and  
11 registration card. All custom vehicle titles shall be branded "Specially  
12 Constructed Vehicle."

13 **SECTION 3.** G.S. 20-54 reads as rewritten:

14 **"§ 20-54. Authority for refusing registration or certificate of title.**

15 (a) The Division shall refuse registration or issuance of a certificate of title or any  
16 transfer of registration upon any of the following grounds:

- 17 (1) The application contains a false or fraudulent statement, the applicant has  
18 failed to furnish required information or reasonable additional information  
19 requested by the Division, or the applicant is not entitled to the issuance of a  
20 certificate of title or registration of the vehicle under this Article.
- 21 (2) The vehicle is mechanically unfit or unsafe to be operated or moved upon  
22 the highways.
- 23 (3) The Division has reasonable ground to believe that the vehicle is a stolen or  
24 embezzled vehicle, or that the granting of registration or the issuance of a  
25 certificate of title would constitute a fraud against the rightful owner or  
26 another person who has a valid lien against the vehicle.
- 27 (4) The registration of the vehicle stands suspended or revoked for any reason as  
28 provided in the motor vehicle laws of this State, except in such cases to  
29 abide by the ignition interlock installation requirements of G.S. 20-17.8.
- 30 (5) The required fee has not been paid, including any additional registration fees  
31 or taxes due pursuant to G.S. 20-91(c).
- 32 (6) The vehicle is not in compliance with the emissions inspection requirements  
33 of Part 2 of Article 3A of this Chapter or a civil penalty assessed as a result  
34 of the failure of the vehicle to comply with that Part has not been paid.
- 35 (7) The Division has been notified that the motor vehicle has been seized by a  
36 law enforcement officer and is subject to forfeiture pursuant to G.S. 20-28.2,  
37 et seq., or any other statute. However, the Division shall not prevent the  
38 renewal of existing registration prior to an order of forfeiture.
- 39 (8) The vehicle is a golf cart or utility vehicle.
- 40 (9) The applicant motor carrier is subject to an order issued by the Federal  
41 Motor Carrier Safety Administration or the Division to cease all operations  
42 based on a finding that the continued operations of the motor carrier pose an  
43 "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).
- 44 (10) **(Effective January 1, 2011)** The North Carolina Turnpike Authority has  
45 notified the Division that the owner of the vehicle has not paid the amount of  
46 tolls, fees, and civil penalties the owner owes the Authority for use of a  
47 Turnpike project.

48 (b) For specially constructed vehicles or vehicles originally built by a generally  
49 recognized manufacturer, certificates of title and registration shall not be denied or delayed on  
50 the grounds that the originating title is from out-of-state, the vehicle is of a certain age, or the  
51 vehicle has not been first inspected by a representative of the Division unless there is some

1 probable cause to believe an individual vehicle has some issue particular to it that justifies an  
2 inspection before title and registration are issued."

3 **SECTION 4.** G.S. 20-70 is amended by adding a new subsection to read:

4 "(c) The notification and registration requirements contained in subsections (a) and (b)  
5 of this section regarding an engine change shall only be required if the motor vehicle into  
6 which a new engine is installed uses an engine number as the sole means to identify the  
7 vehicle."

8 **SECTION 5.** Sections 1 and 2 of this act become effective October 1, 2009, and  
9 apply to applications received by the Division of Motor Vehicles on or after that date. The  
10 remainder of this act is effective when it becomes law.