

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 599  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30207-ML-116 (03/05)

Short Title: Impounding Vehicles with Lapsed/No Insurance. (Public)

Sponsors: Representative Cleveland.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE VEHICLE BEING OPERATED BY A DRIVER WHO HAS  
3 FAILED TO MAINTAIN FINANCIAL RESPONSIBILITY TO BE SEIZED AND  
4 FORFEITED TO THE STATE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 2 of Chapter 20 of the General Statutes is amended by adding  
7 a new section to read:

8 "**§ 20-28.10. Seizure, impoundment, forfeiture of motor vehicles for driving without**  
9 **insurance.**

10 (a) Authority. – A vehicle driven by a person who commits any of the following  
11 offenses shall be subject to seizure, impoundment, and forfeiture:

12 (1) A violation of G.S. 20-313.

13 (b) Exceptions. – If any of the following conditions are satisfied, a vehicle shall not  
14 become subject to an order of forfeiture under this section:

15 (1) The underlying violation is a violation of G.S. 20-313 and the defendant  
16 tenders proof of financial responsibility that satisfies the requirements of  
17 G.S. 20-7(c1) to the judge.

18 (c) Governing Law and Procedures. – The laws and procedures governing the seizure,  
19 impoundment, and forfeiture of vehicles under this section shall be the same as those set forth  
20 in G.S. 20-28.2 through G.S. 20-28.9. Wherever those statutes refer to a particular underlying  
21 offense, they shall, for purposes of this section, be construed to refer to the applicable violation  
22 of subsection (a) of this section. Furthermore, for purposes of this section, an innocent owner  
23 shall be a person who did not know and had no reason to know that the defendant was engaging  
24 in a violation of subsection (a) of this section."

25 SECTION 2. G.S. 20-313(a) reads as rewritten:

26 "(a) On or after July 1, 1963, any owner of a motor vehicle registered or required to be  
27 registered in this State who shall operate or permit such motor vehicle to be operated in this  
28 State without having in full force and effect the financial responsibility required by this Article  
29 shall be guilty of a Class 3 ~~misdemeanor~~ misdemeanor, and the motor vehicle that was operated  
30 in violation of this section becomes property subject to forfeiture in accordance with the laws  
31 and procedures set forth in G.S. 20-28.2 through G.S. 20-28.9."

32 SECTION 3. This act becomes effective December 1, 2015, and applies to  
33 offenses committed on or after that date.

