

N.C. Gen. Stat. § 20-50

Current through Session Laws 2023-105 of the 2023 Regular Session of the General Assembly, but does not reflect possible future codification directives from the Revisor of Statutes pursuant to G.S. 164-10.

General Statutes of North Carolina > Chapter 20. Motor Vehicles. (Arts. 1 — 18) > Article 3. Motor Vehicle Act of 1937. (Pts. 1 — 12) > Part 3. Registration and Certificates of Titles of Motor Vehicles. (§§ 20-50 — 20-71.1)

§ 20-50. Owner to secure registration and certificate of title; temporary registration markers.

(a) A vehicle intended to be operated upon any highway of this State must be registered with the Division in accordance with G.S. 20-52, and the owner of the vehicle must comply with G.S. 20-52 before operating the vehicle. A vehicle that is leased to an individual who is a resident of this State is a vehicle intended to be operated upon a highway of this State.

The Commissioner of Motor Vehicles or the Commissioner's duly authorized agent is empowered to grant a special one-way trip permit to move a vehicle without license upon good cause being shown. When the owner of a vehicle leases the vehicle to a carrier of passengers or property and the vehicle is actually used by the carrier in the operation of its business, the license plates may be obtained by the lessee, upon written consent of the owner, after the certificate of title has been obtained by the owner. When the owner of a vehicle leases the vehicle to a farmer and the vehicle is actually used by the farmer in the operation of a farm, the license plates may be obtained by the farmer at the applicable farmer rate, upon written consent of the owner, after the certificate of title has been obtained by the owner. The lessee shall make application on an appropriate form furnished by the Division and file such evidence of the lease as the Division may require.

(b) The Division may issue a temporary license plate for a vehicle. A temporary license plate is valid for the period set by the Division. The period may not be less than 10 days nor more than 60 days.

A person may obtain a temporary license plate for a vehicle by filing an application with the Division and paying the required fee. An application must be filed on a form provided by the Division.

The fee for a temporary license plate that is valid for 10 days is ten dollars (\$10.00). The fee for a temporary license plate that is valid for more than 10 days is the amount that would be required with an application for a license plate for the vehicle. If a person obtains for a vehicle a temporary license plate that is valid for more than 10 days and files an application for a license plate for that vehicle before the temporary license plate expires, the person is not required to pay the fee that would otherwise be required for the license plate.

A temporary license plate is subject to the following limitations and conditions:

- (1) It may be issued only upon proper proof that the applicant has met the applicable financial responsibility requirements.
- (2) It expires on midnight of the day set for expiration.
- (3) It may be used only on the vehicle for which issued and may not be transferred, loaned, or assigned to another.
- (4) If it is lost or stolen, the person who applied for it must notify the Division.
- (5) It may not be issued by a dealer.

(6) The provisions of G.S. 20-63, 20-71, 20-110 and 20-111 that apply to license plates apply to temporary license plates insofar as possible.

History

1937, c. 407, s. 15; 1943, c. 648; 1945, c. 956, s. 3; 1947, c. 219, s. 2; 1953, c. 831, s. 3; 1957, c. 246, s. 2; 1961, c. 360, s. 1; 1963, c. 552, s. 1; 1973, c. 919; 1975, c. 462; c. 716, s. 5; c. 767, s. 1; 1995, c. 394, s. 1; 1999-438, s. 26; 2005-276, s. 44.1(i); 2015-241, s. 29.35(b).

Annotations

Notes

Local Modification.

Moore: 1995, c. 13, s. 3, as amended by 2002-82, s. 2, as amended by 2005-11, s. 2; city of Conover: 2003-124, s. 1, as amended by 2004-58, s. 1, 2007-204, s. 1, 2007-259, s. 1, 2009-459, s. 5, 2011-171, s. 1, and 2013-172, s. 1; city of Lowell: 2003-124, s. 1, as amended by 2004-58, s. 1, 2007-204, s. 1, 2007-259, s. 1, 2009-459, s. 5, 2011-171, s. 1, and 2013-172, s. 1; town of Banner Elk: 2021-97, s. 1; town of Beech Mountain: 2003-124, s. 1, as amended by 2007-204, s. 1, 2007-259, s. 1, 2009-459, s. 6; town of Caswell Beach: 2006-149, s. 1.1; town of Cramerton: 2003-124, s. 1, as amended by 2004-58, 2007-204, s. 1, 2007-259, 2009-459, 2011-171, s. 1, and 2013-172, s. 1; town of North Topsail Beach: 2003-124, s. 1, as amended by 2004-59, s. 1, 2007-204, s. 1, 2007-259, s. 1, 2009-459, s. 5, 2011-171, s. 1, and 2013-172, s. 1; town of Seven Devils: 2003-124, s. 1, as amended by 2004-58, s. 1, 2007-204, s. 1, 2007-259, s. 1, 2009-459, s. 5, 2011-171, s. 1, and 2013-172, s. 1; town of Spencer: 2021-97, s. 1.

Editor's Note.

Session Laws 2020-3, s. 4.7(a)-(h), as amended by Session Laws 2020-97, ss. 3.15(a), 3.16(a), provides: "(a) Definition. — For purposes of this section, 'credential' means any of the following issued by the Division of Motor Vehicles:

"(1) Drivers license.

"(2) Learner's permit.

"(3) Limited learner's permit.

"(4) Limited provisional license.

"(5) Full provisional license.

"(6) Commercial drivers license.

"(7) Commercial learner's permit.

"(8) Temporary driving certificate.

"(9) Special identification card.

"(10) Handicapped placard.

"(11) Vehicle registration.

“(12) Temporary vehicle registration.

“(13) Dealer license plate.

“(14) Transporter plate.

“(15) Loaner/Dealer ‘LD’ plate.

“(16) Vehicle inspection authorization.

“(17) Inspection station license.

“(18) Inspection mechanic license.

“(19) Transportation network company permit.

“(20) Motor vehicle dealer license.

“(21) Sales representative license.

“(22) Manufacturer license.

“(23) Distributor license.

“(24) Wholesaler license.

“(25) Driver training school license.

“(26) Driver training school instructor license.

“(27) Professional housemoving license.

“(b) Extend Validity of Credentials. — Notwithstanding renewal, duration, or expiration provisions of G.S. 20-7, 20-11, 20-37.6, 20-37.7, 20-37.13, 20-50, 20-66, 20-79, 20-79.02, 20-79.2, 20-183.4B, 20-183.4D, 20-280.3, 20-288, 20-324, and 20-359, or any other provision of law to the contrary, the Division of Motor Vehicles shall extend for a period of five months the validity of any credential that expires on or after March 1, 2020, and before August 1, 2020. The Division shall extend for a period of five months the validity of any credential listed in subdivisions (6), (7), (9), (10), and (18) of subsection (a) of this section that expires on or after March 1, 2020, and before the date 30 days after the date the Governor (i) rescinds Executive Order No. 116 or (ii) issues another executive order lifting restrictions on Division of Motor Vehicles functions. Notwithstanding G.S. 20-37.13(h) and G.S. 20-37.13A(a), the Division of Motor Vehicles is authorized to waive the requirement that commercial drivers license and commercial learner's permit holders have a medical examination and certification, as required by federal law, consistent with any waiver of medical qualifications standards issued by the Federal Motor Carrier Safety Administration. A credential extended under this section shall expire five months from the date it otherwise expires as prescribed by law prior to this section. However, the subsequent expiration of a credential extended under this section shall occur on the date prescribed by law prior to this section without regard to the extension. The Division shall notify individuals affected by an extension granted under this section, including information on new expiration dates and how the extension affects subsequent renewal and expiration dates.

“(b1) Extension of Intrastate Medical Waivers. — Notwithstanding the limitation on duration of waivers in G.S. 20-37.13A(b), the Division of Motor Vehicles may extend for up to five months the validity of a medical waiver issued by the Division under G.S. 20-37.13A if the waiver expires on or after March 1, 2020, and before the date 30 days after the date the Governor (i) rescinds Executive Order No. 116 or (ii) issues another executive order lifting restrictions on Division of Motor Vehicles functions, and the Division's Medical Review Unit determines the extension is appropriate.

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“(c) Driving Eligibility Certificates. — Notwithstanding G.S. 20-11(n)(3), a driving eligibility certificate dated on or after February 9, 2020, and before March 10, 2020, remains valid and may be accepted by the Division of Motor Vehicles to meet the requirements for a license or permit issued under G.S. 20-11 until 30 days after the date the Governor rescinds Executive Order No. 116 or the date the Division reopens all drivers license offices, whichever is earlier.

“(d) Waive Penalties. — Notwithstanding any provision of law to the contrary, the Division shall waive any fines, fees, or penalties associated with failing to renew a credential during the period of time the credential is valid by extension under subsection (b) of this section.

“(e) Motor Vehicle Taxes. — Notwithstanding any provision of law to the contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended expiration dates under subsection (b) of this section.

“(f) Validity by Extension a Defense. — A person may not be convicted or found responsible for any offense resulting from failure to renew a credential issued by the Division if, when tried for that offense, the person shows that the offense occurred during the period of time the credential is valid by extension under subsection (b) of this section.

“(g) Report. — Within 30 days of the extensions made under subsection (b) of this section, the Division shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division detailing implementation of this section.

“(h) Effective Date. — This section is effective retroactively to March 1, 2020, and applies to expirations occurring on or after that date.”

Session Laws 2020-3, s. 5, is a severability clause.

Session Laws 2020-97, s. 4.5, is a severability clause.

Executive Order No. 116, which declared a State of Emergency to coordinate the state of North Carolina’s response and protective action to address the COVID-19 public health emergency, was rescinded by Governor Roy Cooper in Executive Order No. 267, effective August 15, 2022.

Effect of Amendments.

Session Laws 2005-276, s. 44.1(i), effective October 1, 2005, and applicable to fees collected on or after that date, substituted “five dollars (\$5.00)” for “three dollars (\$3.00)” in the third paragraph of subsection (b).

Session Laws 2015-241, s. 29.35(b), effective January 1, 2016, substituted “ten dollars (\$10.00)” for “five dollars (\$5.00)” in the first sentence of the third paragraph in subsection (b). For applicability, see editor’s note.

CASE NOTES

A “certificate of number” required by § 75A-5 is not a “certificate of title”

to be compared with that required by this section for vehicles intended to be operated on the highways. *Lane v. Honeycutt*, 14 N.C. App. 436, 188 S.E.2d 604, 1972 N.C. App. LEXIS 2147, cert. denied, 281 N.C. 622, 190 S.E.2d 466, 1972 N.C. LEXIS 1127 (1972).

As to the applicability of the mandatory provisions of motor vehicles to mobile homes,

see *King Homes, Inc. v. Bryson*, 273 N.C. 84, 159 S.E.2d 329, 1968 N.C. LEXIS 561 (1968).

Registration and Certificate of Title Not Required. —

Where purchaser of real property did not need to transport permanently attached mobile home along the highways and had no intention of doing so, purchaser was not required to register the mobile home nor to obtain a certificate of title; the mobile home was permanently affixed to the land when the property was deeded to the debtors and all parties intended the transaction to be one involving the sale of real property. In re Meade, 174 B.R. 49, 1994 Bankr. LEXIS 2222 (Bankr. M.D.N.C. 1994).

Reasonable Suspicion Vehicle Did Not Have Proper Registration Tag. —

Officer possessed reasonable suspicion to believe that defendant was operating defendant's vehicle without a proper registration tag because the tag displayed was just a piece of paper with a date written on it, rather than the piece of cardboard that car dealers normally hand out when a vehicle is purchased. State v. Smith, 192 N.C. App. 690, 666 S.E.2d 191, 2008 N.C. App. LEXIS 1661 (2008), cert. denied, 560 U.S. 925, 130 S. Ct. 3325, 176 L. Ed. 2d 1221, 2010 U.S. LEXIS 4297 (2010).

For comparison of mortgage registration statute with prior similar statute,

see Carolina Disct. Corp. v. Landis Motor Co., 190 N.C. 157, 129 S.E. 414, 1925 N.C. LEXIS 33 (1925).

Modular Homes. —

Although the title to a modular home is initially acquired through a bill of sale, once installed title must pass by way of a real property deed unlike a mobile home or trailer which passes by transfer of a certificate of origin and motor vehicle title. Briggs v. Rankin, 127 N.C. App. 477, 491 S.E.2d 234, 1997 N.C. App. LEXIS 988 (1997), aff'd, 348 N.C. 686, 500 S.E.2d 663, 1998 N.C. LEXIS 331 (1998).

Opinion Notes**OPINIONS OF ATTORNEY GENERAL****This section requires the owner of a motor vehicle to register the vehicle and obtain a certificate of title**

from the Department (now Division) of Motor Vehicles. See opinion of Attorney General to Mr. Eric L. Gooch, Director, Sales and Use Tax Division, North Carolina Department of Revenue, 40 N.C. Op. Att'y Gen. 446 (1969).

Research References & Practice Aids**Legal Periodicals.**

For note discussing the extension of the family purpose doctrine to motorcycles and private property, see 14 Wake Forest L. Rev. 699 (1978).