

1 19A NCAC 03C .0232 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2
3 **19A NCAC 03C .0232 REGISTRATION INFORMATION AND CERTIFIED RECORDS FEES**

4 ~~Verification-Any person seeking verification~~ of information ~~regarding from Division of Motor Vehicles records as to~~
5 license numbers, ownership, or liability insurance ~~requires shall submit~~ a written ~~request request~~ and ~~[pay the]fee.fee~~
6 ~~of [\$1.00]one dollar (\$1.00) per record. [Additionally,]Certified copies-Copies~~ of these records are provided for a
7 fee as set out in ~~{G.S. 20-42(b)}~~ G.S. 20-4.02 and posted on the agency website at
8 ~~<https://www.ncdot.gov/dmv/downloads/Documents/MVR-94.pdf> of \$15.00, five dollars (\$5.00) per document.~~

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10 *History Note:* Authority G.S. 20-1; 20-4.02; 20-39; 20-42;
11 *Eff. March 1, 1982;*
12 *Amended Eff. November 1, 1991; December 1, ~~1984~~1984;*
13 *Readopted Eff. July 1, 2021.*
14



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 19, 2021

Helen Landi
Department of Transportation – Division of Motor Vehicles
Sent via email only to: hlandi@ncdot.gov

Re: Extension of the Period of Review for Rules 19A NCAC 03C .0202, .0220, .0221, .0222, .0223, .0224, .0226, .0228, .0232, .0235, .0420, .0421, .0424, .0425, .0426, .0428, .0432, .0433, .0436, .0501, .0521, and 03E .0401; and Objection to Rules 19A NCAC 03C .0230, .0234, .0236, .0403, .0404, .0414, .0419, .0429, .0520

Dear Ms. Landi:

At its meeting on April 15, 2021, the Rules Review Commission extended the period of review for 19A NCAC 03C .0202, .0220, .0221, .0222, .0223, .0224, .0226, .0228, .0232, .0235, .0420, .0421, .0424, .0425, .0426, .0428, .0432, .0433, .0436, .0501, .0521, and 03E .0401 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review. Please note that when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days pursuant to G.S. 150B-21.13.

In addition, the Commission objected to 19A NCAC 03C .0230, .0234, .0236, .0403, .0404, .0414, .0419, .0429, .0520 in accordance with G.S. 150B-21.10 as follows:

- 19A NCAC 03C .0230: The Commission objected to this Rule for lack of statutory based upon the cited authority.
- 19A NCAC 03C .0234: The Commission objected to this Rule for ambiguity, finding that the overall intent of this Rule is unclear. To the extent this Rule is intended to provide that statutes are inapplicable to rules, the Commission found that it is beyond the authority of the agency.
- 19A NCAC 03C .0236: The Commission objected to this Rule for lack of statutory authority, finding that this Rule expands the exceptions set forth in G.S. 20-73.
- 19A NCAC 03C .0403: The Commission objected to this Rule for lack of statutory authority as there is no reference to van pools or van pool license plates in the cited authority.
- 19A NCAC 03C .0404: The Commission objected to this Rule for lack of statutory authority as the reference to "staggered registration" in the cited authority was repealed by S.L. 1993-761.

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

An Equal Employment Opportunity Employer

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- 19A NCAC 03C .0414: The Commission objected to this Rule as being ambiguous, finding that it is unclear what is meant by "short periods." Further, it is unclear as to when and how the Division will determine whether it will "license vehicles owned by nonresidents." Finally, it is unclear what it means to "license" a vehicle.
- 19A NCAC 03C .0419: The Commission objected to this Rule for lack of statutory authority, finding that this Rule conflicts with G.S. 20-54 and G.S. 20-4.01.
- 19A NCAC 03C .0429: The Commission objected to this Rule for lack of statutory authority, finding that this Rule is addressed by and conflicts with G.S. 20-64.
- 19A NCAC 03C .0520: The Commission objected to this Rule for ambiguity, finding that the overall intent of this Rule is unclear as the term "for hire operations" does not appear to be used elsewhere in the agency's rules or authorizing statutes. To the extent "for-hire" is necessary to implement or interpret Chapter 20 of the North Carolina General Statutes, this term is addressed by G.S. 20-4.01 in the definitions of "for-hire motor carrier" and "for-hire passenger vehicle."

Please respond to the Commission's objections in accordance with the provisions of G.S. 150B-21.12.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber May", with a long, sweeping flourish extending to the right.

Amber May
Commission Counsel

cc: Hannah Jernigan

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation – Division of Motor Vehicles

RULE CITATION: 19A NCAC 03C .0232

DEADLINE FOR RECEIPT: Friday, April 9, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please revise this to say who shall do what. Perhaps something like “any person seeking verification of information regarding license numbers, ownership, or liability insurance shall submit a written request and pay the fee set forth in G.S. 20-42(b).” Assuming that is the correct cross-reference.

What is to be included in the written request?

What is the fee? That set forth in G.S. 20-42(b)? If so, please provide that cross-reference.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, March 30, 2021

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2
3 **19A NCAC 03C .0232 REGISTRATION INFORMATION AND CERTIFIED RECORDS FEES**

4 Verification of information from Division of Motor Vehicles records as to license numbers, ownership, or liability
5 insurance requires a written request and ~~fee. fee of one dollar (\$1.00) per record. Certified copies of these records are~~
6 ~~provided for a fee of five dollars (\$5.00) per document.~~

7
8 *History Note: Authority G.S. 20-1; 20-39; 20-42;*

9 *Eff. March 1, 1982;*

10 *Amended Eff. November 1, 1991; December 1, ~~1984~~ 1984;*

11 *Readopted Eff. May 1, 2021.*