

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 90

Short Title: Secret Compartments in Motor Vehicles. (Public)

Sponsors: Representatives Moore; Folwell, Howard, McGee, Starnes, and Steen.

Referred to: Rules, Calendar, and Operations of the House.

February 7, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE FALSE, HIDDEN, OR SECRET COMPARTMENTS IN A
3 VEHICLE UNLAWFUL AND TO APPROPRIATE ONE HUNDRED
4 THOUSAND DOLLARS TO THE DEPARTMENT OF CRIME CONTROL AND
5 PUBLIC SAFETY FOR GRANTS TO LOCAL LAW ENFORCEMENT
6 AGENCIES TO HELP OFFSET THE COST OF ENFORCING THIS ACT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a
9 new section to read:

10 **"§ 90-108.1. Vehicles with false, hidden, or secret compartments.**

11 (a) Definitions. –

12 (1) False, hidden, or secret compartment means any enclosure that is
13 intended or designed to be used to conceal, hide, or prevent discovery
14 by law enforcement officers of the false, hidden, or secret
15 compartment, or its contents, and which is integrated into or attached
16 to a vehicle. The term "false, hidden, or secret compartment" does not
17 include a compartment or enclosure that is designed and installed by
18 the manufacturer of the vehicle prior to the sale of the vehicle. The
19 term "false, hidden, or secret compartment" includes, but is not limited
20 to:

21 a. False, altered, or modified fuel tank.

22 b. Any original factory equipment on a vehicle that has been
23 modified to conceal, hide, or prevent discovery of its contents.

24 c. Any compartment, space, or box that is added or attached to
25 existing compartments, spaces, or boxes integrated into or
26 attached to a vehicle.

27 (2) Vehicle includes, but is not limited to, cars, trucks, buses, motorcycles,
28 mopeds, bicycles, aircraft, helicopters, boats, ships, yachts, railcars,

1 rail engines, and any other property that may be attached to, pulled,
2 towed, or drawn by a vehicle.

3 (b) For the purposes of this section, a person's intention to use a false, hidden, or
4 secret compartment to conceal the contents of the compartment from a law enforcement
5 officer may be inferred from factors including, but not limited to, the discovery of any
6 of the following, or evidence of the previous placement of any of the following, within
7 the false, hidden, or secret compartment:

8 (1) A person concealed for an unlawful purpose.

9 (2) A controlled substance, if possession of the controlled substance
10 would be classified as a Class 1 misdemeanor or higher.

11 (3) Other contraband, if possession of the contraband would be classified
12 as a Class 1 misdemeanor or higher.

13 (c) It is unlawful for any person to own or operate any vehicle he or she knows to
14 contain a false, hidden, or secret compartment.

15 (d) It is unlawful for any person to install, create, build, or fabricate a false,
16 hidden, or secret compartment in any vehicle.

17 (e) It is unlawful for any person to sell, trade, or otherwise dispose of a vehicle
18 he or she knows to contain a false, hidden, or secret compartment.

19 (f) Upon the arrest of a person who owns or operates a vehicle in violation of
20 this section, if the vehicle is not otherwise subject to forfeiture under other provisions of
21 law or determined to be needed to be held as evidence, the law enforcement officer shall
22 seize the license plate and registration card for the vehicle. Any law enforcement officer
23 who seizes a license plate and registration card under this section shall report the seizure
24 to the Division of Motor Vehicles within 48 hours of the seizure. Upon application to
25 the Division, the owner of the vehicle may be issued a temporary license plate for the
26 vehicle which shall be valid for 30 days or until the owner of the vehicle provides
27 verification that the vehicle has been repaired to eliminate any violation of this section,
28 whichever occurs first. The vehicle shall be subject to inspection by law enforcement,
29 and if it is determined that the vehicle has been repaired, the license plate and
30 registration card shall be returned to the owner.

31 (g) A violation of this section is punishable as a Class I felony."

32 **SECTION 2.** There is appropriated from the General Fund to the
33 Department of Crime Control and Public Safety the sum of one hundred thousand
34 dollars (\$100,000) to be used for grants to local law enforcement agencies to offset the
35 costs of enforcing Section 1 of this act.

36 **SECTION 3.** This act becomes effective December 1, 2007, and applies to
37 offenses committed on or after that date.