

216.77 PURCHASE OF VEHICLES FOR THE PURPOSES OF SCRAP PARTS ONLY AND FAILING TO COMPLY WITH CERTAIN REQUIREMENTS MANDATED BY LAW.

The defendant has been charged with knowingly purchasing vehicles for the purpose of scrap parts only.

For you to find the defendant guilty of this offense, the State must prove seven things beyond a reasonable doubt.

First, the defendant knowingly failed to comply with the requirements of the Department of Motor Vehicles, hereinafter "DMV," to maintain a record in the approved format of all purchases of scrapped motor vehicle(s).

Knowingly means the subjective mental state of the defendant. A person acts (or fails to act) knowingly when the person is aware or conscious of what the person is doing (or failing to do).

Second, that the defendant failed to verify with the DMV whether or not the purchased vehicle(s) [was] [were] stolen.

Third, that the defendant failed to report information on the purchased vehicle(s) to the national motor vehicle title information system within 72 hours of close of business on (insert day of purchase) for the following vehicle(s):

[describe vehicles] (e.g., GEO Tracker VIN# 2CVBE18UoP6208)

Fourth, that the defendant did in fact purchase the vehicle(s) solely for the purpose of dismantling or wrecking such motor vehicle(s) for the recovery of scrap metals or for the sale of parts.

Fifth, that the defendant knew, or should have known, that the DMV requirements were mandatory.

Sixth, that the defendant [operated a salvage yard] [was a secondary metals recycler].

[A “salvage yard” is a business or a person who possesses five or more derelict vehicles, and regularly engages in buying and selling used vehicle parts.¹ A “derelict vehicle” is a vehicle whose major parts have been removed so as to render the vehicle inoperable and incapable of passing inspection as required under existing standards.²]

[A “secondary metals recycler” is a business or person engaged in the business of gathering or obtaining metals that have served their original economic purpose.]³

And Seventh, the defendant knowingly failed to comply with these DMV regulations.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly failed to comply with the requirements of the DMV to maintain records in the approved format of all purchases of scrapped motor vehicles, failed to verify with the DMV whether or not the purchased vehicle(s) [was] [were] stolen, failed to report information on the purchased vehicle(s) to the national motor vehicle system within 72 hours of close of business on the vehicle’s date of purchase, the defendant purchased the vehicle(s) solely for the purpose of dismantling or wrecking such motor vehicle(s) for the recovery of scrap metals or for the sale of parts, the defendant knew, or should have known, that these DMV requirements were mandatory, and the defendant [operated a salvage yard] [was a secondary metals recycler], and the defendant failed to comply with these DMV regulations, it would be your duty to return a verdict of guilty. If you do not so find, or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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FELONY.

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N.C. Gen. Stat. § 20-62.1

1 N.C. Gen. Stat. § 20-137.7(6).

2 N.C. Gen. Stat. § 20-137.7(4).

3 N.C. Gen. Stat. § 66-420(8).

