

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 569

Short Title: D.M.V. Enforcement Officers.

(Public)

Sponsors: Representatives Weatherly; Baker, Barbee, J. Brown, Buchanan, Cocklereece, Culp, Decker, Dickson, Hiatt, Hurley, Justus, McMahan, Pate, Rayfield, Sexton, Tallent, and Warner.

Referred to: Transportation, if favorable, Judiciary I.

March 28, 1995

A BILL TO BE ENTITLED

AN ACT GRANTING ENFORCEMENT OFFICERS OF THE DIVISION OF MOTOR VEHICLES THE AUTHORITY TO ASSIST IN THE ENFORCEMENT OF LAWS WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE AND TO AUTHORIZE REGISTRATION PLATES FOR THEIR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-49 reads as rewritten:

"§ 20-49. Police authority of Division.

The Commissioner and such officers and inspectors of the Division as he shall designate and all members of the Highway Patrol shall have the power:

- (1) Of peace officers for the purpose of enforcing the provisions of this Article and of any other ~~law regulating the operation of vehicles or the use of the highways.~~ laws.
- (2) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this Article or other ~~laws regulating the operation of vehicles or the use of the highways.~~ laws.

1 (3) At all time to direct all traffic in conformance with  
2 law, and in the event of a fire or other emergency or to  
3 expedite traffic or to insure safety, to direct traffic as  
4 conditions may require, notwithstanding the provisions of law.

5 (4) When on duty, upon reasonable belief that any vehicle  
6 is being operated in violation of any provision of this Article or  
7 of any other law regulating the operation of vehicles to require  
8 the driver thereof to stop and exhibit his driver's license and the  
9 registration card issued for the vehicle, and submit to an  
10 inspection of ~~such~~that vehicle, the registration plates and  
11 registration card thereon or to an inspection and test of the  
12 equipment of ~~such~~that vehicle.

13 (5) To inspect any vehicle of a type required to be  
14 registered hereunder in any public garage or repair shop or in  
15 any place where ~~such~~the vehicles are held for sale or wrecking,  
16 for the purpose of locating stolen vehicles and investigating the  
17 title and registration thereof.

18 (6) To serve all warrants relating to the enforcement of the  
19 laws regulating the operation of vehicles or the use of the  
20 highways.

21 (7) To investigate traffic accidents and secure testimony of  
22 witnesses or of persons involved.

23 (8) To investigate reported thefts of motor vehicles,  
24 trailers and semitrailers and make arrest for thefts thereof.

25 (9) For the purpose of determining compliance with the  
26 provisions of this Chapter, to inspect all files and records of the  
27 persons hereinafter designated and required to be kept under  
28 the provisions of this Chapter or of the registrations of the  
29 Division:

30 a. Persons dealing in or selling and buying new,  
31 used or junked motor vehicles and motor vehicle parts;  
32 and

33 b. Persons operating garages or other places where motor  
34 vehicles are repaired, dismantled, or stored.

35 Nothing in this subsection shall be construed to expand the authority of officers to  
36 initiate or conduct independent investigation into violations of criminal laws outside the  
37 scope of their subject matter jurisdiction of operation of vehicles and use of the  
38 highways."

39 Sec. 2. G.S. 20-84 reads as rewritten:

40 "**§ 20-84. Vehicles owned by State, municipalities or orphanages, etc.; certain**  
41 **vehicles operated by the local chapters of American National Red Cross.**

42 The Division upon proper proof being filed with it that any motor vehicle for which  
43 registration is herein required is owned by the State or any department thereof, or by any

1 county, township, city or town, or by any board of education, or by any orphanage or  
2 civil air patrol, or incorporated emergency rescue squad, or incorporated REACT ('Radio  
3 Emergency Association of Citizen Teams') Team, or for any motor vehicle involved  
4 exclusively in the support of a disaster relief effort, shall collect six dollars (\$6.00) for the  
5 registration of such motor vehicles, but shall not collect any fee for application for  
6 certificate of title in the name of the State or any department thereof, or by any county,  
7 township, city or town, or by any board of education or orphanage: Provided, that the  
8 term 'owned' shall be construed to mean that such motor vehicle is the actual property of  
9 the State or some department thereof or of the county, township, city or town, or of the  
10 board of education, and no motor vehicle which is the property of any officer or  
11 employee of any department named herein shall be construed as being 'owned' by such  
12 department. Provided, that the above exemptions from registration fees shall also apply to  
13 any church-owned bus used exclusively for transporting children and parents to Sunday  
14 school and church services and for no other purpose.

15 In lieu of the annual six dollars (\$6.00) registration provided for in this section, the  
16 Division may for the license year 1950 and thereafter provide for a permanent  
17 registration of the vehicles described in this section and issue permanent registration  
18 plates for such vehicles. The permanent registration plates issued pursuant to this  
19 paragraph shall be of a distinctive color and shall bear thereon the word 'permanent.' Such  
20 plates may be transferred as provided in G.S. 20-78 to a replacement vehicle of the same  
21 classification. For the permanent registration and issuance of permanent registration  
22 plates provided for in this paragraph, the Division shall collect a fee of six dollars (\$6.00)  
23 for each vehicle so registered and licensed.

24 The provisions of this section are hereby made applicable to vehicles owned by a rural  
25 fire department, agency or association.

26 The Division of Motor Vehicles shall issue to the North Carolina Tuberculosis  
27 Association, Incorporated, or any local chapter or association of said corporation, for a  
28 fee of six dollars (\$6.00) for each plate a permanent registration plate which need not be  
29 thereafter renewed for each motor vehicle in the form of a mobile X-ray unit which is  
30 owned by said North Carolina Tuberculosis Association, Incorporated, or any local  
31 chapter or local association thereof and operated exclusively in this State for the purpose  
32 of diagnosis, treatment and discovery of tuberculosis. The initial six dollars (\$6.00) fee  
33 required by this section and for this purpose shall be in full payment of the permanent  
34 registration plates issued for such vehicle operated as a mobile X-ray unit, and such  
35 plates need not thereafter be renewed, and such plates may be transferred as provided in  
36 G.S. 20-78 to replacement vehicles to be used for the purposes above described and for  
37 which the plates were originally issued.

38 The Division of Motor Vehicles shall issue to the American National Red Cross, upon  
39 application of any local chapter thereof and payment of a fee of six dollars (\$6.00) for  
40 each plate, a permanent registration plate, which need not be thereafter renewed, for all  
41 disaster vans, bloodmobiles, handivans, and such sedans and station wagons as are used  
42 for emergency or disaster work, and operated by a local chapter in this State in the  
43 business of the American National Red Cross. Such plates may be transferred as provided

1 in G.S. 20-78 to a replacement vehicle to be used for the purposes above described and  
2 for which the plates were originally issued. In the event of transfer of ownership to any  
3 other person, firm or corporation, or transfer or reassignment of any vehicle bearing such  
4 registration plate to any chapter or association of the American National Red Cross in any  
5 other state, territory or country, the registration plate assigned to such vehicle shall be  
6 surrendered to the Division of Motor Vehicles.

7 In lieu of all other registration requirements, the Commissioner shall each year assign  
8 to the State Highway Patrol, upon payment of six dollars (\$6.00) per registration plate, a  
9 sufficient number of regular registration plates of the same letter prefix and in numerical  
10 sequence beginning with number 100 to meet the requirements of the State Highway  
11 Patrol for use on Division vehicles assigned to the State Highway Patrol. The commander  
12 of the Patrol shall, when such plates are assigned, issue to each member of the State  
13 Highway Patrol a registration plate for use upon the Division vehicle assigned to him  
14 pursuant to G.S. 20-190 and assign a registration plate to each Division service vehicle  
15 operated by the Patrol. An index of such assignments of registration plates shall be kept  
16 at each State Highway Patrol radio station and a copy thereof shall be furnished to the  
17 registration division of the Division. Information as to the individual assignments of such  
18 registration plates shall be made available to the public upon request to the same extent  
19 and in the same manner as regular registration information. The commander, when  
20 necessary, may reassign registration plates provided that such reassignment shall be made  
21 to appear upon the index required herein within 20 days after such reassignment.

22 In lieu of all other registration requirements, the Commissioner shall each year assign  
23 to the Department of Administration, Division of Motor Fleet Management, upon  
24 payment of six dollars (\$6.00) per registration plate, a sufficient number of regular  
25 registration plates of the same letter prefix and in numerical sequence beginning with  
26 number 100 to meet the requirements of the Enforcement Section of the Division for use  
27 on vehicles assigned to the Enforcement Section. The commander of the Enforcement  
28 Section shall, when such plates are assigned, issue to each member of the Enforcement  
29 Section of the Division a registration plate for use upon the vehicle assigned to him and  
30 assign a registration plate to each service vehicle operated by the Enforcement Section.  
31 An index of such assignments of registration plates shall be furnished to the registration  
32 division of the Division. Information as to the individual assignments of such registration  
33 plates shall be made available to the public upon request to the same extent and in the  
34 same manner as regular registration information. The commander, when necessary, may  
35 reassign registration plates provided that such reassignment shall be made to appear upon  
36 the index required herein within 20 days after such reassignment.

37 The Division of Motor Vehicles shall, upon appropriate certification of financial  
38 responsibility, issue to sheltered workshops recognized or approved by the Division of  
39 Vocational Rehabilitation Services and to public and nonprofit agencies or organizations  
40 which provide transportation for or operate programs subject to and approved in  
41 accordance with standards adopted by the Commission for Mental Health,  
42 Developmental Disabilities, and Substance Abuse Services of the Department of Human  
43 Resources upon application and payment of a fee of six dollars (\$6.00) for each plate, a

1 permanent registration plate for vehicles registered to and operated by such agencies. The  
2 initial six dollars (\$6.00) fee required by this section and for this purpose shall be in full  
3 payment of the permanent registration plate issued for such vehicle operated by a  
4 sheltered workshop and such plates need not thereafter be renewed, and such plates may  
5 be transferred as provided in G.S. 20-78 to a replacement vehicle to be used by the  
6 sheltered workshop designated on the registration card.

7       On and after January 1, 1972, permanent registration plates used on all vehicles  
8 owned by the State of North Carolina or a department thereof shall be of a distinctive  
9 color and design which shall be readily distinguishable from all other permanent  
10 registration plates issued pursuant to this section or G.S. 20-84.1. For the purpose of  
11 carrying out the intent of this paragraph, all vehicles owned by the State of North  
12 Carolina or a department thereof in operation as of October 1, 1971, and bearing a  
13 permanent registration shall be reregistered during the months of October, November and  
14 December, 1971, and upon reregistration, registration plates issued for such vehicles shall  
15 be of a distinctive color and design as provided for hereinabove."

16               Sec. 3. This act is effective upon ratification.