

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 743

Short Title: DMV Law Enforcement Jurisdiction.

(Public)

Sponsors: Senators Hoyle and Horton.

Referred to: Transportation

April 17, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE ENFORCEMENT OFFICERS OF THE DIVISION OF MOTOR VEHICLES MAY ENFORCE ALL LAWS WITHIN THE SCOPE OF THEIR JURISDICTION.

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 any~~ officers and inspectors of the Division ~~as that 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.

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

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

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

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

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

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

18 (9) For the purpose of determining compliance with the  
19 provisions of this Chapter, to inspect all files and records of the  
20 persons hereinafter designated and required to be kept under the  
21 provisions of this Chapter or of the registrations of the Division:

22 a. Persons dealing in or selling and buying new, used or  
23 junked motor vehicles and motor vehicle parts; and

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

26 Nothing in this section shall be construed to expand the authority of officers to initiate  
27 or conduct independent investigation into violations of criminal laws outside the scope of  
28 their subject matter or territorial jurisdiction of operation of vehicles and use of the  
29 highways."

30 Sec. 2. This act is effective upon ratification.