

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 201*

Short Title: Add Division of LESS to CCPS. (Public)

Sponsors: Representatives Spear, R. Warren (Primary Sponsors); Braxton, Brisson, Hurlley, Justus, Love, Lucas, McLawhorn, and Tarleton.

Referred to: State Government/State Personnel, if favorable, Finance.

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO ASSIGN DUTIES TO THE DIVISION, AND TO MAKE CORRESPONDING CHANGES TO CHAPTERS 20 AND 105 OF THE GENERAL STATUTES TO ALLOW LAW ENFORCEMENT SUPPORT SERVICES TO TRANSFER MOTOR VEHICLES TO LAW ENFORCEMENT AGENCIES WITHOUT HAVING TO BECOME A MOTOR VEHICLE DEALER OR PAY HIGHWAY USE TAXES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-287(a) reads as rewritten:

"§ 20-287. Licenses required; penalties.

(a) License Required. – It shall be unlawful for any new motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler to engage in business in this State without first obtaining a license as provided in this Article. If any motor vehicle dealer acts as a motor vehicle sales representative, the dealer shall obtain a motor vehicle sales representative's license in addition to a motor vehicle dealer's license. A sales representative may have only one license. The license shall show the name of the dealer or wholesaler employing the sales representative. The following license holders may operate as a motor vehicle dealer without obtaining a motor vehicle dealer's license or paying an additional fee: a manufacturer, a factory branch, a distributor, and a distributor branch. Any of these license holders who ~~operates~~ operate as a motor vehicle dealer may sell motor vehicles at retail only at an established salesroom. The provisions of this subsection do not apply to the Department of Crime Control and Public Safety, Division of Law Enforcement Support Services, when receiving, titling, or transferring any vehicle acquired under the provisions of Title 10 Section 285 of the United States Code or any similar acquisition and transfer program administered by the Division of Law Enforcement Support Services."

SECTION 2. G.S. 105-187.6(a) reads as rewritten:

(a) Full Exemptions. – The tax imposed by this Article does not apply when a certificate of title is issued as the result of a transfer of a motor vehicle:

- (1) To the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle is a salvage vehicle.
- (2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle retailer for the purpose of resale.
- (3) To the same owner to reflect a change or correction in the owner's name.



- 1 (3a) To one or more of the same co-owners to reflect the removal of one or more
2 other co-owners, when there is no consideration for the transfer.
3 (4) By will or intestacy.
4 (5) By a gift between a husband and wife, a parent and child, or a stepparent and
5 a stepchild.
6 (6) By a distribution of marital or divisible property incident to a marital
7 separation or divorce.
8 (7) To a handicapped person from the Department of Health and Human
9 Services after the vehicle has been equipped by the Department for use by
10 the handicapped.
11 (8) To a local board of education for use in the driver education program of a
12 public school when the motor vehicle is transferred:
13 a. By a retailer and is to be transferred back to the retailer within 300
14 days after the transfer to the local board.
15 b. By a local board of education.
16 (9) To a volunteer fire department or volunteer rescue squad that is not part of a
17 unit of local government, has no more than two paid employees, and is
18 exempt from State income tax under G.S. 105-130.11, when the motor
19 vehicle is one of the following:
20 a. A fire truck, a pump truck, a tanker truck, or a ladder truck used to
21 suppress fire.
22 b. A four-wheel drive vehicle intended to be mounted with a water tank
23 and hose and used for forest fire fighting.
24 c. An emergency services vehicle.
25 (10) The Department of Crime Control and Public Safety, Division of Law
26 Enforcement Support Services and the Department of Environment and
27 Natural Resources, Division of Forest Resources, when acting as
28 pass-through agents for the purpose of transferring vehicles obtained from
29 the United States Department of Defense to emergency response units, law
30 enforcement agencies, and volunteer fire departments within the State of
31 North Carolina. To remain eligible for this exemption, a vehicle title transfer
32 to a qualified agency shall be made within 180 days of receipt of the
33 completed Standard Form 97. The exemption provided by this subdivision
34 shall also apply to vehicles returned to either the Division of Law
35 Enforcement Support Services or the Division of Forest Resources by a
36 recipient agency for the purpose of transfer to another qualified agency.
37 Emergency response units, law enforcement agencies, and volunteer fire
38 departments are to pay any highway use tax due unless specifically
39 exempted by this section."

40 **SECTION 3.** Article 11 of Chapter 143B is amended by adding a Part to read:

41 "Part 7. Law Enforcement Support Services Division.

42 **"§ 143B-508. Law Enforcement Support Services Division established.**

43 (a) There is hereby established, within the Department of Crime Control and Public
44 Safety, the Law Enforcement Support Services Division, which shall be organized and staffed
45 in accordance with this Part and within the limits of authorized appropriations.

46 (b) The Law Enforcement Support Services Division is authorized to perform the
47 following functions:

- 48 (1) Manage State, local, and federal programs that facilitate or enable transfer of
49 technology, goods, and services through excess property, property
50 acquisition, and equipment loan programs.

- 1 (2) Provide central storage and management of evidence per the DNA Database
2 and Databank Act of 1993, and creation and maintenance of a data bank of
3 statewide storage location of postconviction evidence or other similar
4 programs.
- 5 (3) Provide central storage and management of rape kits per the Violence
6 Against Women and Department of Justice Reauthorization Act of 2005
7 with specific protections against release of names of victims providing
8 anonymous or "Jane Doe" rape kits without victim consent.
- 9 (4) Acquire, maintain, and control equipment to be loaned to law enforcement
10 agencies for use in undercover investigations and to other agencies for other
11 purposes.
- 12 (5) Develop, test, and promulgate innovative and technological solutions for the
13 first responder community.
- 14 (6) Provide any other assistance the Governor or Secretary of Crime Control and
15 Public Safety may direct."

16 **SECTION 4.** This act is effective when it becomes law.