

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 760

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

(Public)

Sponsors: Senators Speed, Soles, Warren, Davis, Carpenter, and Carrington.

Referred to: Transportation

April 19, 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.~~
- (3) At all time to direct all traffic in conformance with law, and in the event of a fire or other emergency or to

1 expedite traffic or to insure safety, to direct traffic as  
2 conditions may require, notwithstanding the provisions of law.

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

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

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

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

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

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

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

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

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

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

38 "**§ 20-84. Vehicles owned by State, municipalities or orphanages, etc.; certain**  
39 **vehicles operated by the local chapters of American National Red Cross.**

40 The Division upon proper proof being filed with it that any motor vehicle for which  
41 registration is herein required is owned by the State or any department thereof, or by any  
42 county, township, city or town, or by any board of education, or by any orphanage or  
43 civil air patrol, or incorporated emergency rescue squad, or incorporated REACT ('Radio

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

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

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

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

36 The Division of Motor Vehicles shall issue to the American National Red Cross, upon  
37 application of any local chapter thereof and payment of a fee of six dollars (\$6.00) for  
38 each plate, a permanent registration plate, which need not be thereafter renewed, for all  
39 disaster vans, bloodmobiles, handivans, and such sedans and station wagons as are used  
40 for emergency or disaster work, and operated by a local chapter in this State in the  
41 business of the American National Red Cross. Such plates may be transferred as provided  
42 in G.S. 20-78 to a replacement vehicle to be used for the purposes above described and  
43 for which the plates were originally issued. In the event of transfer of ownership to any

1 other person, firm or corporation, or transfer or reassignment of any vehicle bearing such  
2 registration plate to any chapter or association of the American National Red Cross in any  
3 other state, territory or country, the registration plate assigned to such vehicle shall be  
4 surrendered to the Division of Motor Vehicles.

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

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

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

1 payment of the permanent registration plate issued for such vehicle operated by a  
2 sheltered workshop and such plates need not thereafter be renewed, and such plates may  
3 be transferred as provided in G.S. 20-78 to a replacement vehicle to be used by the  
4 sheltered workshop designated on the registration card.

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

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