

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 138

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

(Public)

Sponsors: Representatives Justus; Brawley, Brown, Buchanan, Cansler, Clary, Culp, Fox, Hiatt, Kiser, Mitchell, Russell, Thompson, Watson, and G. Wilson.

Referred to: Transportation, if favorable, Judiciary I.

February 13, 1997

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 OR WHEN A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR ASSISTANCE.

The General Assembly of North Carolina enacts:

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

"§ 20-49. Police authority of Division.

(a) 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.

(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.

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

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

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

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

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

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

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

- 26 a. Persons dealing in or selling and buying new, used or junked
27 motor vehicles and motor vehicle parts; and
28 b. Persons operating garages or other places where motor
29 vehicles are repaired, dismantled, or stored.

30 (b) In addition to the enforcement authority granted in subsection (a) of this
31 section, the officers and inspectors of the Division have the authority to enforce criminal
32 laws under the following circumstances:

33 (1) When the officer or inspector has probable cause to believe that a
34 person has committed a criminal offense in the officer's or inspector's
35 presence and at the time of the violation the officer or inspector is
36 engaged in the enforcement of laws otherwise within the officer's or
37 inspector's jurisdiction; or

38 (2) When the officer or inspector is asked to provide temporary assistance
39 by the head of a State or local law enforcement agency or that person's
40 designee and the request is within the scope of that agency's subject
41 matter jurisdiction.

42 While acting pursuant to this subsection, an officer or inspector shall have the same
43 powers invested in law enforcement officers by statute or common law. When acting

1 pursuant to subdivision (2) of this subsection, an officer or inspector shall not be
2 considered an officer, employee, or agent for the State or local law enforcement agency
3 or designee asking for temporary assistance. Nothing in this subsection shall be
4 construed to expand the authority of officers and inspectors to initiate or conduct
5 independent investigations into violations of criminal laws outside the scope of the
6 subject matter jurisdiction of the operation of vehicles and the use of the highways."

7 Section 2. This act becomes effective October 1, 1997.