

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 201*
Committee Substitute Favorable 3/4/09
Committee Substitute #2 Favorable 3/18/09

Short Title: Add Division of LESS to CCPS.

(Public)

Sponsors:

Referred to:

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. 20-73(b) reads as rewritten:

"(b) Exceptions. – This section does not apply to a dealer or an insurance company to whom a vehicle is transferred when the transfer meets the requirements of G.S. 20-75. This section does not apply to the Department of Crime Control and Public Safety, Division of Law Enforcement Support Services, or to the Department of Environment and Natural Resources, Division of Forest Resources, when receiving, titling, or transferring any vehicle acquired under the provisions of 10 U.S.C. § 381 or any similar acquisition and transfer program administered by the Division of Law Enforcement Support Services or the Division of Forest Resources. A person who must follow the procedure in G.S. 20-76 to get a certificate of title and who applies for a title within the required 20-day time limit is considered to have complied with this section even when the Division issues a certificate of title to the person after the time limit has elapsed."

SECTION 2. 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



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1 Department of Crime Control and Public Safety, Division of Law Enforcement Support
2 Services, when receiving, titling, or transferring any vehicle acquired under the provisions of
3 10 U.S.C. § 381 or any similar acquisition and transfer program administered by the Division
4 of Law Enforcement Support Services."

5 **SECTION 3.** G.S. 105-187.6(a) reads as rewritten:

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

8 (1) To the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle
9 is a salvage vehicle.

10 (2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle
11 retailer for the purpose of resale.

12 (3) To the same owner to reflect a change or correction in the owner's name.

13 (3a) To one or more of the same co-owners to reflect the removal of one or more
14 other co-owners, when there is no consideration for the transfer.

15 (4) By will or intestacy.

16 (5) By a gift between a husband and wife, a parent and child, or a stepparent and
17 a stepchild.

18 (6) By a distribution of marital or divisible property incident to a marital
19 separation or divorce.

20 (7) To a handicapped person from the Department of Health and Human
21 Services after the vehicle has been equipped by the Department for use by
22 the handicapped.

23 (8) To a local board of education for use in the driver education program of a
24 public school when the motor vehicle is transferred:

25 a. By a retailer and is to be transferred back to the retailer within 300
26 days after the transfer to the local board.

27 b. By a local board of education.

28 (9) To a volunteer fire department or volunteer rescue squad that is not part of a
29 unit of local government, has no more than two paid employees, and is
30 exempt from State income tax under G.S. 105-130.11, when the motor
31 vehicle is one of the following:

32 a. A fire truck, a pump truck, a tanker truck, or a ladder truck used to
33 suppress fire.

34 b. A four-wheel drive vehicle intended to be mounted with a water tank
35 and hose and used for forest fire fighting.

36 c. An emergency services vehicle.

37 (10) To a qualified State agency if either of the conditions listed in this
38 subdivision apply. For purposes of this subdivision, a 'qualified State agency'
39 is the Division of Law Enforcement Support Services of the Department of
40 Crime Control and Public Safety or the Division of Forest Resources of the
41 Department of Environment and Natural Resources, and a 'qualified
42 recipient' is an emergency response unit, a law enforcement agency, or a
43 volunteer fire department. Qualified recipients must pay highway use tax
44 due unless specifically exempted by this section. The conditions are:

45 a. The motor vehicle was received from the United States Department
46 of Defense for transfer to a qualified recipient, and the transfer
47 occurs within 180 days of the receipt of a United States Government
48 Certificate to Obtain Title to a Vehicle.

49 b. The motor vehicle is being returned by a qualified recipient for the
50 purpose of transferring the motor vehicle to another qualified
51 recipient."

1 **SECTION 4.** Article 11 of Chapter 143B of the General Statutes is amended by
2 adding a new Part to read:

3 "Part 7. Law Enforcement Support Services Division.

4 "§ 143B-508. Law Enforcement Support Services Division established.

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

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

10 (1) Manage State, local, and federal programs that facilitate or enable the
11 transfer of technology, goods, and services through programs for excess
12 property, property acquisition, and equipment loans.

13 (2) Provide central storage and management of evidence according to the
14 provisions of Article 13 of Chapter 15A of the General Statutes and creation
15 and maintenance of a data bank of statewide storage location of
16 postconviction evidence or other similar programs.

17 (3) Provide central storage and management of rape kits according to the federal
18 Violence Against Women and Department of Justice Reauthorization Act of
19 2005 with specific protections against release of names of victims providing
20 anonymous or "Jane Doe" rape kits without victim consent.

21 (4) Acquire, maintain, and control equipment to be loaned to law enforcement
22 agencies for use in undercover investigations and to other agencies for other
23 purposes.

24 (5) Develop, test, and promulgate innovative and technological solutions for the
25 first responder community.

26 (6) Provide other assistance as may be necessary or appropriate to carry out
27 assigned duties and responsibilities."

28 **SECTION 5.** This act is effective when it becomes law.