

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 201*
PROPOSED COMMITTEE SUBSTITUTE H201-PCS50154-SH-1

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. 20-287(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 10 U.S.C. § 381 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.



- 1 (2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle
2 retailer for the purpose of resale.
- 3 (3) To the same owner to reflect a change or correction in the owner's name.
- 4 (3a) To one or more of the same co-owners to reflect the removal of one or more
5 other co-owners, when there is no consideration for the transfer.
- 6 (4) By will or intestacy.
- 7 (5) By a gift between a husband and wife, a parent and child, or a stepparent and
8 a stepchild.
- 9 (6) By a distribution of marital or divisible property incident to a marital
10 separation or divorce.
- 11 (7) To a handicapped person from the Department of Health and Human
12 Services after the vehicle has been equipped by the Department for use by
13 the handicapped.
- 14 (8) To a local board of education for use in the driver education program of a
15 public school when the motor vehicle is transferred:
- 16 a. By a retailer and is to be transferred back to the retailer within 300
17 days after the transfer to the local board.
- 18 b. By a local board of education.
- 19 (9) To a volunteer fire department or volunteer rescue squad that is not part of a
20 unit of local government, has no more than two paid employees, and is
21 exempt from State income tax under G.S. 105-130.11, when the motor
22 vehicle is one of the following:
- 23 a. A fire truck, a pump truck, a tanker truck, or a ladder truck used to
24 suppress fire.
- 25 b. A four-wheel drive vehicle intended to be mounted with a water tank
26 and hose and used for forest fire fighting.
- 27 c. An emergency services vehicle.
- 28 (10) To a qualified State agency if the agency received the motor vehicle from
29 the United States Department of Defense for transfer to a qualified recipient
30 and the transfer occurs within 180 days of the receipt of a United States
31 Government Certificate to Obtain Title to a Vehicle. The exemption also
32 applies to the transfer of a motor vehicle by a qualified recipient to a
33 qualified State agency if the motor vehicle is being returned for the purpose
34 of transferring the motor vehicle to another qualified recipient. Qualified
35 recipients are to pay highway use tax due unless specifically exempted by
36 this section. For purposes of this subdivision, a 'qualified State agency' is the
37 Division of Law Enforcement Support Services of the Department of Crime
38 Control and Public Safety, or the Division of Forest Resources of the
39 Department of Environment and Natural Resources, and a 'qualified
40 recipient' is an emergency response unit, a law enforcement agency, or a
41 volunteer fire department."

42 **SECTION 3.** Article 11 of Chapter 143B of the General Statutes is amended by
43 adding a new Part to read:

44 "Part 7. Law Enforcement Support Services Division.

45 **§ 143B-508. Law Enforcement Support Services Division established.**

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

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

- 1 (1) Manage State, local, and federal programs that facilitate or enable the
2 transfer of technology, goods, and services through programs for excess
3 property, property acquisition, and equipment loans.
- 4 (2) Provide central storage and management of evidence according to the
5 provisions of Article 13 of Chapter 15A of the General Statutes, and creation
6 and maintenance of a data bank of statewide storage location of
7 postconviction evidence or other similar programs.
- 8 (3) Provide central storage and management of rape kits according to the federal
9 Violence Against Women and Department of Justice Reauthorization Act of
10 2005 with specific protections against release of names of victims providing
11 anonymous or "Jane Doe" rape kits without victim consent.
- 12 (4) Acquire, maintain, and control equipment to be loaned to law enforcement
13 agencies for use in undercover investigations and to other agencies for other
14 purposes.
- 15 (5) Develop, test, and promulgate innovative and technological solutions for the
16 first responder community.
- 17 (6) Provide other assistance as may be necessary or appropriate to carry out
18 assigned duties and responsibilities."

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