

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
PROPOSED SENATE COMMITTEE SUBSTITUTE H201-PCS10859-RF-17

Short Title: Add Division of LESS to CCPS.

(Public)

Sponsors:

Referred to:

February 18, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT
3 SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND
4 PUBLIC SAFETY, TO ASSIGN DUTIES TO THE DIVISION, AND TO MAKE
5 CORRESPONDING CHANGES TO CHAPTERS 20 AND 105 OF THE GENERAL
6 STATUTES TO ALLOW LAW ENFORCEMENT SUPPORT SERVICES AND THE
7 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF
8 FOREST RESOURCES, TO TRANSFER MOTOR VEHICLES TO LAW
9 ENFORCEMENT AGENCIES WITHOUT HAVING TO BECOME A MOTOR
10 VEHICLE DEALER OR PAY HIGHWAY USE TAXES.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 20-73(b) reads as rewritten:

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

24 **SECTION 2.** G.S. 20-287(a) reads as rewritten:

25 **"§ 20-287. Licenses required; penalties.**

26 (a) License Required. – It shall be unlawful for any new motor vehicle dealer, used
27 motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory
28 representative, distributor, distributor branch, distributor representative, or wholesaler to
29 engage in business in this State without first obtaining a license as provided in this Article. If
30 any motor vehicle dealer acts as a motor vehicle sales representative, the dealer shall obtain a
31 motor vehicle sales representative's license in addition to a motor vehicle dealer's license. A
32 sales representative may have only one license. The license shall show the name of the dealer



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1 or wholesaler employing the sales representative. The following license holders may operate as
2 a motor vehicle dealer without obtaining a motor vehicle dealer's license or paying an
3 additional fee: a manufacturer, a factory branch, a distributor, and a distributor branch. Any of
4 these license holders who ~~operates~~ operate as a motor vehicle dealer may sell motor vehicles at
5 retail only at an established salesroom. The provisions of this subsection do not apply to the
6 Department of Crime Control and Public Safety, Division of Law Enforcement Support
7 Services, or the Department of Environment and Natural Resources, Division of Forest
8 Resources, when receiving, titling, or transferring any vehicle acquired under the provisions of
9 10 U.S.C. § 381 or any similar acquisition and transfer program administered by the Division
10 of Law Enforcement Support Services."

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

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

- 14 (1) To the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle
15 is a salvage vehicle.
- 16 (2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle
17 retailer for the purpose of resale.
- 18 (3) To the same owner to reflect a change or correction in the owner's name.
- 19 (3a) To one or more of the same co-owners to reflect the removal of one or more
20 other co-owners, when there is no consideration for the transfer.
- 21 (4) By will or intestacy.
- 22 (5) By a gift between a husband and wife, a parent and child, or a stepparent and
23 a stepchild.
- 24 (6) By a distribution of marital or divisible property incident to a marital
25 separation or divorce.
- 26 (7) To a handicapped person from the Department of Health and Human
27 Services after the vehicle has been equipped by the Department for use by
28 the handicapped.
- 29 (8) To a local board of education for use in the driver education program of a
30 public school when the motor vehicle is transferred:
 - 31 a. By a retailer and is to be transferred back to the retailer within 300
32 days after the transfer to the local board.
 - 33 b. By a local board of education.
- 34 (9) To a volunteer fire department or volunteer rescue squad that is not part of a
35 unit of local government, has no more than two paid employees, and is
36 exempt from State income tax under G.S. 105-130.11, when the motor
37 vehicle is one of the following:
 - 38 a. A fire truck, a pump truck, a tanker truck, or a ladder truck used to
39 suppress fire.
 - 40 b. A four-wheel drive vehicle intended to be mounted with a water tank
41 and hose and used for forest fire fighting.
 - 42 c. An emergency services vehicle.
- 43 (10) To a qualified State agency if either of the conditions listed in this
44 subdivision apply. For purposes of this subdivision, a 'qualified State agency'
45 is the Division of Law Enforcement Support Services of the Department of
46 Crime Control and Public Safety or the Division of Forest Resources of the
47 Department of Environment and Natural Resources, and a 'qualified
48 recipient' is an emergency response unit, a law enforcement agency, or a fire
49 department. Qualified recipients must pay highway use tax due unless
50 specifically exempted by this section. The conditions are:

- 1 a. The motor vehicle was received from the United States Department
2 of Defense for transfer to a qualified recipient, and the transfer
3 occurs within 180 days of the receipt of a United States Government
4 Certificate to Obtain Title to a Vehicle.
5 b. The motor vehicle is being returned by a qualified recipient for the
6 purpose of transferring the motor vehicle to another qualified
7 recipient."

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

10 "Part 7. Law Enforcement Support Services Division.

11 **§ 143B-508. Law Enforcement Support Services Division established.**

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

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

- 17 (1) Manage State, local, and federal programs that facilitate or enable the
18 transfer of technology, goods, and services through programs for excess
19 property, property acquisition, and equipment loans.
20 (2) Provide central storage and management of evidence according to the
21 provisions of Article 13 of Chapter 15A of the General Statutes and creation
22 and maintenance of a data bank of statewide storage location of
23 postconviction evidence or other similar programs.
24 (3) Provide central storage and management of rape kits according to the federal
25 Violence Against Women and Department of Justice Reauthorization Act of
26 2005 with specific protections against release of names of victims providing
27 anonymous or "Jane Doe" rape kits without victim consent.
28 (4) Acquire, maintain, and control equipment to be loaned to law enforcement
29 agencies for use in undercover investigations and to other agencies for other
30 purposes.
31 (5) Develop, test, and promulgate innovative and technological solutions for the
32 first responder community.
33 (6) Provide other assistance as may be necessary or appropriate to carry out
34 assigned duties and responsibilities."

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