

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
Senate State and Local Government Committee Substitute Adopted 4/15/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H201-PCS30398-RB-24

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 FACILITATE THE TRANSFER OF MOTOR VEHICLES FROM THE
3 UNITED STATES DEPARTMENT OF DEFENSE TO LOCAL GOVERNMENT UNITS,
4 VOLUNTEER FIRE DEPARTMENTS, AND VOLUNTEER RESCUE SQUADS AND
5 TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT
6 SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND
7 PUBLIC SAFETY.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 20-73 reads as rewritten:

10 "§ 20-73. New owner must get new certificate of title.

11 (a) Time Limit. – A person to whom a vehicle is transferred, whether by purchase or
12 otherwise, must apply to the Division for a new certificate of title. An application for a
13 certificate of title must be submitted within 28 days after the vehicle is transferred. A person
14 who must follow the procedure in G.S. 20-76 to get a certificate of title and who applies for a
15 title within the required 20-day time limit is considered to have complied with this section even
16 when the Division issues a certificate of title to the person after the time limit has elapsed.

17 A person may apply directly for a certificate of title or may allow another person, such as
18 the person from whom the vehicle is transferred or a person who has a lien on the vehicle, to
19 apply for a certificate of title on that person's behalf. A person to whom a vehicle is transferred
20 is responsible for getting a certificate of title within the time limit regardless of whether the
21 person allowed another to apply for a certificate of title on the person's behalf.

22 (b) Exceptions. – This section does not apply to any of the following:

23 (1) ~~a-A dealer or an insurance company to whom a vehicle is transferred when~~
24 ~~the transfer meets the requirements of G.S. 20-75. A person who must~~
25 ~~follow the procedure in G.S. 20-76 to get a certificate of title and who~~
26 ~~applies for a title within the required 20-day time limit is considered to have~~
27 ~~complied with this section even when the Division issues a certificate of title~~
28 ~~to the person after the time limit has elapsed.~~

29 (2) A State agency that assists the United States Department of Defense in
30 purchasing or transferring a vehicle to a unit of local government, a
31 volunteer fire department, or a volunteer rescue squad.



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1 (c) Penalties. – A person to whom a vehicle is transferred who fails to apply for a
2 certificate of title within the required time is subject to a civil penalty of fifteen dollars (\$15.00)
3 and is guilty of a Class 2 misdemeanor. A person who undertakes to apply for a certificate of
4 title on behalf of another person and who fails to apply for a title within the required time is
5 subject to a civil penalty of fifteen dollars (\$15.00). When a person to whom a vehicle is
6 transferred fails to obtain a title within the required time because a person who undertook to
7 apply for the certificate of title did not do so within the required time, the Division may impose
8 a civil penalty only on the person who undertook to apply for the title. Civil penalties collected
9 under this subsection shall be credited to the Highway Fund."

10 **SECTION 2.** G.S. 105-187.6(a) reads as rewritten:

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

- 13 (1) To the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle
14 is a salvage vehicle.
- 15 (2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle
16 retailer for the purpose of resale.
- 17 (3) To the same owner to reflect a change or correction in the owner's name.
- 18 (3a) To one or more of the same co-owners to reflect the removal of one or more
19 other co-owners, when there is no consideration for the transfer.
- 20 (4) By will or intestacy.
- 21 (5) By a gift between a husband and wife, a parent and child, or a stepparent and
22 a stepchild.
- 23 (6) By a distribution of marital or divisible property incident to a marital
24 separation or divorce.
- 25 (7) To a handicapped person from the Department of Health and Human
26 Services after the vehicle has been equipped by the Department for use by
27 the handicapped.
- 28 (8) To a local board of education for use in the driver education program of a
29 public school when the motor vehicle is transferred:
 - 30 a. By a retailer and is to be transferred back to the retailer within 300
31 days after the transfer to the local board.
 - 32 b. By a local board of education.
- 33 (9) To a volunteer fire department or volunteer rescue squad that is not part of a
34 unit of local government, has no more than two paid employees, and is
35 exempt from State income tax under G.S. 105-130.11, when the motor
36 vehicle is one of the following:
 - 37 a. A fire truck, a pump truck, a tanker truck, or a ladder truck used to
38 suppress fire.
 - 39 b. A four-wheel drive vehicle intended to be mounted with a water tank
40 and hose and used for forest fire fighting.
 - 41 c. An emergency services vehicle.
- 42 (10) To a State agency from a unit of local government, volunteer fire
43 department, or volunteer rescue squad to enable the State agency to transfer
44 the vehicle to another unit of local government, volunteer fire department, or
45 volunteer rescue squad."

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

48 "Part 7. Law Enforcement Support Services Division.

49 "§ 143B-508. Law Enforcement Support Services Division established.

1 The Law Enforcement Support Services Division is established within the Department of
2 Crime Control and Public Safety. The Division is authorized to perform the following
3 functions:

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

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