

**Department of Transportation,
Division of Motor Vehicles Enforcement Unit**

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for
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DEPARTMENT OF TRANSPORTATION,
DIVISION OF MOTOR VEHICLES ENFORCEMENT UNIT

Issue Statement

Should the DMV Enforcement Unit be phased out and its enforcement functions transferred to the State Highway Patrol and the State Bureau of Investigation?

In its 1991 report to the Joint Legislative Commission on Governmental Operations, Systems Design Group recommended the following (Recommendations F-1 to F-4):

1. "We recommend, in keeping with our general principle of seeking opportunities to consolidate services, that the DMV Enforcement Unit, its resources and responsibilities, be merged with the State Highway Patrol."
2. "We feel that the staff that is incorporated into the Highway Patrol need not exceed 100 to 130 sworn officers, who should become full Highway Patrol Officers."
3. "Furthermore, compared to other states, the 50 safety inspectors currently on staff are probably more than can be successfully absorbed and consideration ought to be given to cutting the number in half."
4. "We also studied tasks performed by process officers and inspectors and find that they are more regulators than law enforcement personnel. They do not require the power of arrest to exercise their primary duties of inspection, collection of revoked plates and bad checks, etc. These officers are not more exposed to danger than the County Tax Collector and should go about their duties without benefit of sworn status."

Background

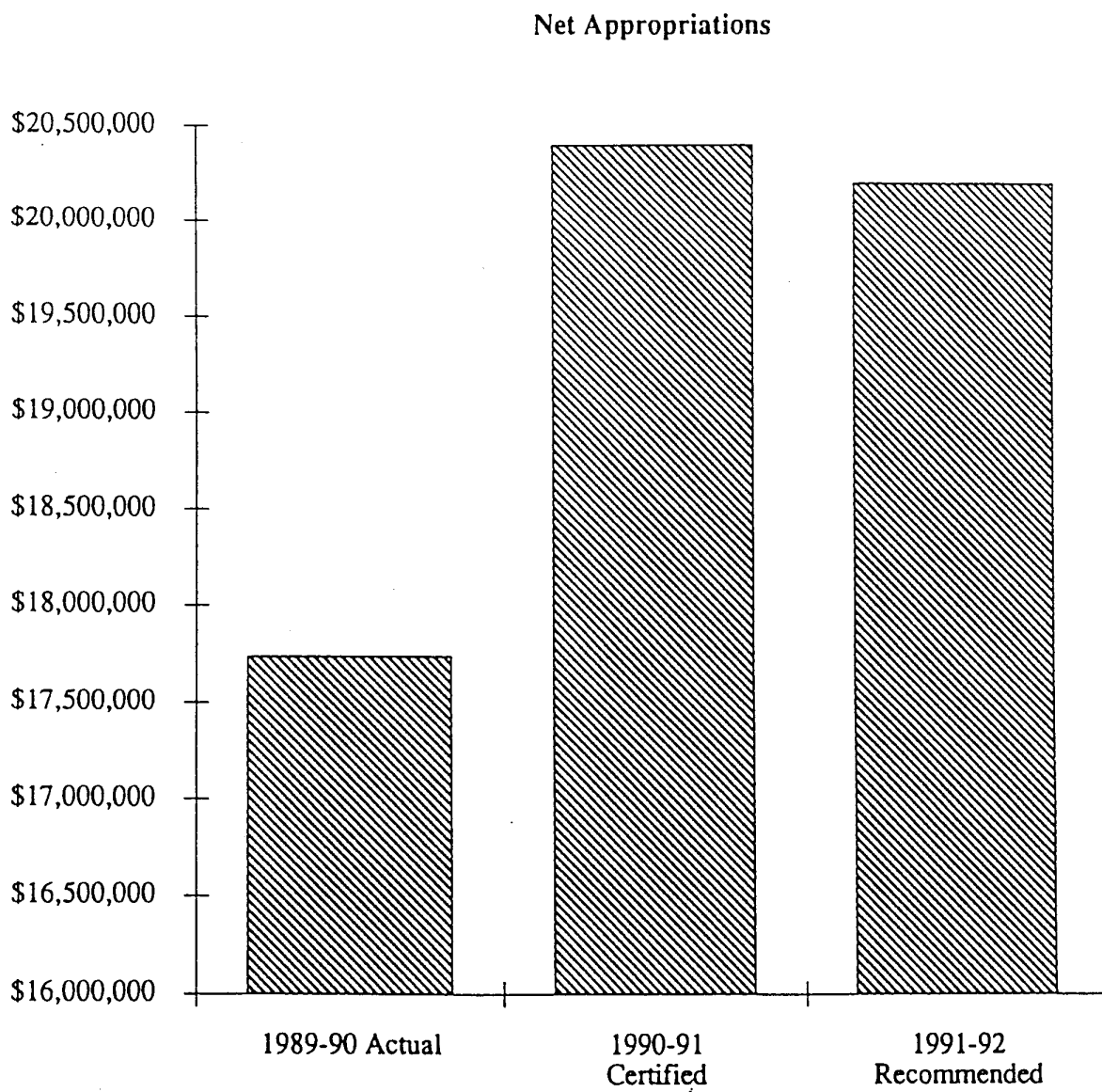
The Division of Motor Vehicles Enforcement Division was first established in 1921 to enforce the state's motor vehicle laws. It was one of the first state law enforcement agencies. Since then DMV Enforcement has been given the responsibility for several functions:

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- Inspectors were commissioned by the Governor and charged with the responsibility of enforcing the state's motor vehicle laws. The primary responsibility of the inspectors is to investigate auto theft, fraudulent registration, and the altering of vehicle identification numbers. In addition, inspectors perform dealer audits and inspections of vehicle emission inspection stations.
- In 1951 the state established permanent weight stations. There are currently 11 permanent weight stations. The DMV Weight Enforcement officers are responsible for weighing trucks at the permanent weight stations and on the highways (using portable scales) in order to enforce all North Carolina truck weight laws.
- In 1983, the Motor Carrier Safety Unit was transferred from the Utilities Commission to the DMV Enforcement Division. The Federal Highway Administration established its Motor Carrier Safety Assistance Program in 1985. The program provides grant money for states to start or augment existing truck inspections programs. The primary responsibility of officers assigned to this program is to perform safety inspections on commercial vehicles traveling on the state highways.
- In 1983 the process service responsibility was transferred from the State Highway Patrol to the DMV Enforcement Division. The process officers are responsible for serving process for revoked tags and driver's license. In addition, these officers collect bad checks that have been written to the DMV.

The expenditures and revenues budgeted for DMV Enforcement for fiscal years 1989 through 1992 are displayed in Table 1. State funding is provided from the Highway Fund.

	<i>1989-90 Actual</i>	<i>1990-91 Certified</i>	<i>1991-92 Recommended</i>
Total Requirements	\$19,864,981	\$21,424,044	\$21,600,543
Receipts	\$2,125,935	\$1,035,592	\$1,408,668
Net Appropriations	\$17,739,046	\$20,388,452	\$20,191,875



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The DMV enforcement unit is staffed by 511 sworn law enforcement personnel and 84 civilians as noted below:

- Administrative	6
- Scales Mechanic	1
- Inspectors	141
- Motor Carrier and Weigh Station	260
- Process Officers	<u>103</u>
<i>Total Sworn Staff</i>	511
- Civilian Staff	84

Findings

1. The process officer function does not appear to be an activity which state law enforcement officers should continue.

Process officers are responsible for process service of revoked license tags and driver licenses. They also collect bad checks written to the DMV. Generally process officers contact an individual after several mailed notices from DMV. Process papers are served by the process officers on individuals who have refused to cooperate with the DMV's instructions. Much of the contact process officers have with individuals is triggered by a lapse in insurance coverage. Process officers go to the individual's last known residence and attempt to collect either their driver's license or their vehicle tags. If the individual is not home, the process officer will leave a note requesting that the individual contact the process officer.

- a. In fiscal year 1990-91, of the 368,000 registration and driver's license revocation orders issued, DMV reported that \$3,061,009 in process fees were collected or an average of \$8.32 per order. Based on the data we received, it is impossible to determine what portion of these payments were a result of the process officer's efforts. In fiscal year 1990-91 only 1,300 bad checks were collected by DMV enforcement officers, an average of only 12.6 bad checks per process officer.

- b. Much of the work the process officer's perform could be reduced or eliminated if the state required insurance companies to notify DMV when they write a new auto insurance policy replacing a drivers policy with another insurance company. Currently insurers are not required to notify DMV in this circumstance. Consequently, when DMV receives a cancellation notice from the previous auto insurance policy they begin procedures to serve process to cancel a registration for lack of proper insurance. In many instances the DMV Enforcement process officers are serving process where it is erroneously held that an individual is not insured.
- c. Based on our observations, it does not appear that the process officers are successful in finding individuals on their home visits. The process officers normally work between 8 a.m. and 5 p.m. when most individuals are working. Therefore, it is difficult to make personal contact with individuals to serve the process orders. For example, during our field work we observed a process officer perform his duties during a normal shift. We found that he made personal contact with the named individual on only 2 out of 20 home visits. On the other 18 visits the process officer left a written notice to contact his office on the door, with a neighbor or with a family member.
- d. Process officers serve as only a minimal deterrent to preventing unlawful drivers from continuing to operate automobiles. For example, during our field work with a process officer the officer made personal contact with one individual who was served with an order for revocation of driver's license. This individual told the process officer that he had lost his license. The process officer could do nothing more than leave.

Other states deal with this situation by waiting until such individuals are encountered by a law enforcement officer during routine traffic stops and then citing or arresting the individual for operating a motor vehicle with a revoked driver's license.

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- e. Work of collecting bad checks and other amounts due DMV could be done by the Attorney General's Office Collections Section or through contracting with a commercial collection agency. Most of the work is no different than collection activity which does not require a sworn law enforcement officers.
 - f. Based on our survey of ten states, only two of the ten states use some number of sworn law enforcement officers to serve process orders. Most of the states either do not perform this activity or use non-sworn personnel.
2. The majority of the work performed by DMV inspectors is regulatory in nature. This includes monitoring and auditing vehicle dealers and manufacturers and vehicle emissions testing stations.

There are 141 inspectors assigned to DMV Enforcement. Their law enforcement mission is to investigate vehicle thefts, registration fraud, odometer fraud, and the altering of vehicle identification. In addition, there auto dealer investigations consist of dealer audits and inspections/audits of emission testing stations.

- a. Local law enforcement is responsible for the bulk of stolen vehicles recovered in North Carolina. Of the 18,866 auto thefts reported in the state of North Carolina in fiscal year 1991-92, 15,733 were recovered. Of the 15,733 recovered, DMV enforcement recovered 1,090 of those cars (7% of the total). In fiscal year 1989-90 the DMV inspectors conducted 74,901 enforcement investigations which resulted in 2,179 arrests. Approximately 3% of their investigations result in an arrest. This was an average of approximately 15.5 arrests per inspector per year.

	<i>Auto Thefts Reported Statewide</i>	<i>Total Recovered</i>	<i>Total Recovered by DMV Enforcement</i>	<i>DMV % of Total</i>
1989-90	18,423	16,411	1,339	8%
1990-91	17,787	15,866	1,145	7%
1991-92	18,866	15,733	1,090	7%

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<i>Fiscal Year</i>	<i>Enforcement Investigations</i>	<i>Arrests</i>	<i>Percentage of Enforcement Investigations Which Result in Arrests</i>
1989-90	74,901	2,179	3%
1990-91	76,023	2,858	4%

* Data for fiscal year 1991-92 was not available

- b. The bulk of the inspectors are performing what are primarily regulatory activities. DMV Enforcement has created a major crimes unit which consists of 16 inspectors. Their main function is to investigate auto thefts, odometer fraud, registration fraud, and driver's license fraud. According to Enforcement Unit Director, the time of the other 125 inspectors is dedicated to 60% regulatory activities and 40% criminal related functions.
 - c. Based on our survey of ten states, we found that seven of the ten states rely upon the Highway Patrol, State Bureau of Investigation, and/or local law enforcement to investigate auto thefts and registration fraud.
3. The Weight and Motor Carrier Officers function could be performed more efficiently and effectively by the State Highway Patrol.

There are 208 Weight Enforcement Officers responsible for enforcing all of the weight laws for trucks on the highways of North Carolina. DMV Enforcement operates 11 permanent weight stations throughout the state. In addition, there are portable scale weight crews which weigh trucks on the highways to enforce the weight laws

There are 52 Motor Carrier Safety Officers that are responsible for performing safety inspections of trucks on the highways. Seven of these officers are assigned to conduct audits of trucking companies and the truckers records. Some audit issues include ensuring that:

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- Proper hiring procedures are followed;
 - Drug testing is conducted;
 - Drivers are not driving over the specified number of hours; and
 - Records are up to date.
- a. There is a mutual lack of coordination between the DMV Enforcement unit and the State Highway Patrol on patrolling the highways.

The Highway Patrol is responsible for all traffic enforcement on the highways. However, they are not trained or called upon to assess whether overweight or unsafe trucks are operating on the highways. Therefore, when a situation with trucks occurs SHP must call DMV enforcement to perform all truck related activities.

Along with performing safety inspections and weighing trucks, DMV enforcement officers are also involved in citing trucks and autos for speeding and monitoring for drunk driving and other unsafe driving situations incidental to the performance of their principal truck weight and safety duties.

- b. Some mix of civilians and sworn officers could be used to perform the weight station function. Nine of the ten states in our survey use a mix of sworn and civilian personnel to staff their permanent weight stations.

Recommendations

1. The DMV process service officers positions should be phased out. Any collection activities for bad checks or process service fees should be transferred to the Attorney General's collection section or contracted to a private collection agency.
2. The DMV inspector job classes should be civilianized and perform only regulatory activities. The staffing for these regulatory functions should consist of no more than 55 inspectors and 5 to 7 support staff to conduct dealer audits/inspections and inspections of emission testing stations.

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3. Those law enforcement activities previously performed by the DMV inspectors assigned to the major crimes unit (16 inspector positions) should be transferred to the State Bureau of Investigation (SBI). An equivalent number of positions (16) should be provided to SBI to staff this function. SBI should be granted original jurisdiction to investigate multi-jurisdictional auto related crimes similar to the powers formerly granted to DMV.
4. DMV should take all necessary actions to ensure that data on auto related crimes (theft, registration fraud, etc.) is shared with SBI in order to support investigation of such crimes.
5. The Motor Carrier Safety and Weight functions of DMV enforcement should be transferred to the Highway Patrol at the end of an 18-month transition period. During this transition period the Highway Patrol should report to the Legislature and the Department of Transportation on the following:
 - How they intend to ensure compliance with North Carolina's Maximum Vehicle Size and Weight Enforcement Plan filed with the Federal Highway Administration;
 - Their plan to meet the federal standards for the Motor Carrier Safety Program;
 - The total number of civilian and law enforcement officer positions needed to carry out the duties transferred to the SHP under this reorganization;
 - Their plan to make maximum feasible use of civilians at permanent weight stations;
 - How they intend to train Highway Patrol Officers in weighing trucks and prepare a portable weight scale crew deployment plan; and
 - How DMV Weight and Motor Carrier Officers who meet relevant standards can be integrated into the Highway Patrol.

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Implications

1. After an 18-month phase-in period, it would mean a reduction in staff of approximately 103 process officers, 90 inspectors, and an undetermined number of Weight Enforcement officers, Motor Carrier Safety officers, and civilian staff depending upon how reorganization into the SHP is finally implemented.
2. Would place all highway traffic enforcement in North Carolina under one command.
3. General Fund costs would *increase* to the extent that the General Assembly provides additional General Fund support to SBI for any new auto crime related positions (for example, assuming 16 new positions, annual costs would increase by \$900,000). (Alternatively, the Highway Fund could be tapped to fund this increase.)
4. The Highway Fund would experience reduced costs of approximately \$6.5 million annually due to the net reduction in staffing from the elimination of process officers and the net reduction in DMV inspector and weight and safety officer positions after reorganization with SHP and SBI.

Implementation Considerations

1. The General Assembly must transfer the DMV law enforcement activities to the Highway Patrol and SBI.
 - a. The General Assembly should allow an 18-month transition period for the transfer of the law enforcement duties of DMV enforcement to the Highway Patrol, SBI, and local officials.
 - b. The General Assembly should consider offering the state employees which are line for layoffs special considerations for other vacant state jobs (i.e., civilian weigh station personnel).

2. The Highway Patrol is under a court monitored consent decree requiring that it ensure 50% of the openings in each patrol school be made available to black applicants. Also 25% of the openings in each patrol basic school must be made available to qualified female applicants. Therefore, it may be difficult to transition qualified DMV enforcement officers to the Highway Patrol without some discussions with the court.
3. Obstacles and barriers
 - a. Transferring the knowledge base concerning the DMV weight and safety inspections to the Highway Patrol.
 - b. Local officials may feel that additional auto crime related work load will fall on their organizations with the elimination of DMV Enforcement.
 - c. Insurance companies may not want to cooperate with submitting documentation which verifies that a new policy has been written for the insured person.
 - d. Some DMV Enforcement officers may not be able to meet the hiring standards of the SHP which would deny them the opportunity to transfer into a state law enforcement organization.