

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1735

Short Title: Abolish DMV Enforcement. (Public)

Sponsors: Representatives Sherrill, Rayfield (Primary Sponsors); Justus, M. Crawford, Shubert, and Davis.

Referred to: Rules, Calendar, and Operations of the House.

June 17, 2002

A BILL TO BE ENTITLED

AN ACT TO ABOLISH THE ENFORCEMENT SECTION OF THE DIVISION OF
MOTOR VEHICLES AND TRANSFER THE FUNCTIONS OF THAT SECTION
TO THE STATE HIGHWAY PATROL.

The General Assembly of North Carolina enacts:

SECTION 1. The statutory authority, power, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the Enforcement Section of the Division of Motor Vehicles of the Department of Transportation are transferred to the Highway Patrol Division of the Department of Crime Control and Public Safety.

SECTION 2. G.S. 20-4 is repealed.

SECTION 3. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-188.1. Additional enforcement duties of the Highway Patrol.

(a) Additional Duties. – Additional enforcement duties of the patrol include:

(1) Enforcement of vehicle weight restrictions set forth in G.S. 20-118. In performing this duty, the State Highway Patrol shall make maximum effective use of permanent weigh stations and portable scales.

(2) Enforcement of the motor carrier safety regulations.

(3) Enforcement of the emissions inspection program. The State Highway Patrol is authorized to cooperate with and provide assistance to the Environmental Management Commission, or appropriate local government officials, and to develop, adopt, and ensure enforcement of necessary rules and regulations, regarding programs of motor vehicle emissions inspection maintenance required for areas in which ambient air pollutant concentrations exceed National Ambient Air Quality Standards.

(4) Inspection of salvage vehicles.

1 (5) Providing security at rest areas."

2 **SECTION 4.** G.S. 20-39 reads as rewritten:

3 "**§ 20-39. Administering and enforcing laws; rules and regulations; agents, etc.;**
4 **seal; fees.**

5 (a) The Commissioner is hereby vested with the power and is charged with the
6 duty of administering and enforcing the provisions of this Article and of all laws
7 regulating the operation of vehicles or the use of the highways, the enforcement or
8 administration of which is now or hereafter vested in the Division.

9 (b) The Commissioner is hereby authorized to adopt and enforce such rules and
10 regulations as may be necessary to carry out the provisions of this Article and any other
11 laws the enforcement and administration of which are vested in the Division.

12 (c) The Commissioner is authorized to designate and appoint such agents, field
13 deputies, and clerks as may be necessary to carry out the provisions of this Article.

14 (d) The Commissioner shall adopt an official seal for the use of the Division.

15 ~~(e) The Commissioner is authorized to cooperate with and provide assistance to~~
16 ~~the Environmental Management Commission, or appropriate local government officials,~~
17 ~~and to develop, adopt, and ensure enforcement of necessary rules and regulations,~~
18 ~~regarding programs of motor vehicle emissions inspection maintenance required for~~
19 ~~areas in which ambient air pollutant concentrations exceed National Ambient Air~~
20 ~~Quality Standards.~~

21 (f) The Commissioner is authorized to charge and collect the following fees for
22 the verification of equipment to be used on motor vehicles or to be sold in North
23 Carolina, when that approval is required pursuant to this Chapter:

24 (1) When a federal standard has been established, the fee shall be equal to
25 the cost of verifying compliance with the applicable federal standard;
26 or

27 (2) When no federal standard has been established, the fee shall be equal
28 to the cost of verifying compliance with the applicable State standard.
29 Any motor vehicle manufacturer or distributor who is required to
30 certify his products under the National Traffic and Motor Vehicle
31 Safety Act of 1966, as from time to time amended, may satisfy the
32 provisions of this section by submitting an annual written certification
33 to the Commissioner attesting to the compliance of his vehicles with
34 applicable federal requirements. Failure to comply with the
35 certification requirement or failure to meet the federal standards will
36 subject the manufacturer or distributor to the fee requirements of this
37 subsection.

38 (g), (h) Repealed by Session Laws 2001-424, s. 6.14(e), effective September 26,
39 2001.

40 (i) Notwithstanding the requirements of G.S. 20-7.1 and G.S. 20-67(a), the
41 Commissioner may correct the address records of drivers license and registration plate
42 holders as shown in the files of the Division to that shown on notices and renewal cards
43 returned to the Division with new addresses provided by the United States Postal
44 Service."

1 **SECTION 5.** G. S. 20-71.3 reads as rewritten:

2 "**§ 20-71.3. Salvage and other vehicles – titles and registration cards to be branded.**

3 (a) Motor vehicle certificates of title and registration cards issued pursuant to
4 G.S. 20-57 shall be branded in accordance with this section.

5 As used in this section, "branded" means that the title and registration card shall
6 contain a designation that discloses if the vehicle is classified as any of the following:

- 7 (1) Salvage Motor Vehicle.
- 8 (2) Salvage Rebuilt Vehicle.
- 9 (3) Reconstructed Vehicle.
- 10 (4) Flood Vehicle.
- 11 (5) Non-U.S.A. Vehicle.
- 12 (6) Any other classification authorized by law.

13 (b) Any motor vehicle up to and including six model years old damaged by
14 collision or other occurrence, that is to be retitled in this State, shall be subject to
15 preliminary and final inspections by the ~~Enforcement Section of the Division~~State
16 Highway Patrol.

17 These inspections serve as antitheft measures and do not certify the safety or
18 road-worthiness of a vehicle.

19 (c) The Division shall not retitle a vehicle described in subsection (b) of this
20 section that has not undergone the preliminary and final inspections required by that
21 subsection.

22 (d) Any motor vehicle up to and including six model years old that has been
23 inspected pursuant to subsection (b) of this section may be retitled with an unbranded
24 title based upon a title application by the rebuilder with a supporting affidavit disclosing
25 all of the following:

- 26 (1) The parts used or replaced.
- 27 (2) The major components replaced.
- 28 (3) The hours of labor and the hourly labor rate.
- 29 (4) The total cost of repair.

30 The unbranded title shall be issued only if the cost of repairs, including parts and
31 labor, does not exceed seventy-five percent (75%) of its fair market retail value.

32 (e) Any motor vehicle more than six model years old damaged by collision or
33 other occurrence that is to be retitled by the State may be retitled, without inspection,
34 with an unbranded title based upon a title application by the rebuilder with a supporting
35 affidavit disclosing all of the following:

- 36 (1) The parts used or replaced.
- 37 (2) The major components replaced.
- 38 (3) The hours of labor and the hourly labor rate.
- 39 (4) The total cost of repair.

40 The unbranded title shall be issued only if the cost of repairs, including parts and
41 labor, does not exceed seventy-five percent (75%) of its fair market retail value.

42 (f) The ~~Division~~State Highway Patrol shall maintain the affidavits required by
43 this section and make them available for review and copying by persons researching the
44 salvage and repair history of the vehicle.

1 (g) Any motor vehicle that has been branded in another state shall be branded
2 with the nearest applicable brand specified in this section, except that no junk vehicle or
3 vehicle that has been branded junk in another state shall be titled or registered.

4 (h) A branded title for a salvage motor vehicle damaged by collision or other
5 occurrence shall be issued if the cost of repairs, including parts and labor, exceeds
6 seventy-five percent (75%) of its fair market retail value.

7 (i) Once the Division has issued a branded title for a motor vehicle all
8 subsequent titles for that motor vehicle shall continue to reflect the branding.

9 (j) The Division shall prepare necessary forms and may adopt rules required to
10 carry out the provisions of this Part."

11 **SECTION 6.** G.S. 20-125 reads as rewritten:

12 **"§ 20-125. Horns and warning devices.**

13 (a) Every motor vehicle when operated upon a highway shall be equipped with a
14 horn in good working order capable of emitting sound audible under normal conditions
15 from a distance of not less than 200 feet, and it shall be unlawful, except as otherwise
16 provided in this section, for any vehicle to be equipped with or for any person to use
17 upon a vehicle any siren, compression or spark plug whistle or for any person at any
18 time to use a horn otherwise than as a reasonable warning or to make any unnecessary
19 or unreasonable loud or harsh sound by means of a horn or other warning device. All
20 such horns and warning devices shall be maintained in good working order and shall
21 conform to regulation not inconsistent with this section to be promulgated by the
22 Commissioner.

23 (b) Every vehicle owned and operated by a police department or by the
24 Department of Crime Control and Public Safety including the State Highway Patrol or
25 by the Wildlife Resources Commission or the Division of Marine Fisheries and used
26 exclusively for law enforcement purposes, or by the Division of Emergency
27 Management, or by a fire department, either municipal or rural, or by a fire patrol,
28 whether such fire department or patrol be a paid organization or a voluntary association,
29 vehicles used by an organ procurement organization or agency for the recovery and
30 transportation of human tissues and organs for transplantation, and every ambulance or
31 emergency medical service emergency support vehicle used for answering emergency
32 calls, shall be equipped with special lights, bells, sirens, horns or exhaust whistles of a
33 type approved by the Commissioner of Motor Vehicles.

34 The operators of all such vehicles so equipped are hereby authorized to use such
35 equipment at all times while engaged in the performance of their duties and services,
36 both within their respective corporate limits and beyond.

37 In addition to the use of special equipment authorized and required by this
38 subsection, the chief and assistant chiefs of any police department or of any fire
39 department, whether the same be municipal or rural, paid or voluntary, county fire
40 marshals, assistant fire marshals, transplant coordinators, and emergency management
41 coordinators, are hereby authorized to use such special equipment on privately owned
42 vehicles operated by them while actually engaged in the performance of their official or
43 semiofficial duties or services either within or beyond their respective corporate limits.

1 And vehicles ~~driven by law enforcement officers of the North Carolina Division of~~
2 ~~Motor Vehicles shall be equipped with a bell, siren, or exhaust whistle of a type~~
3 ~~approved by the Commissioner, and all vehicles owned and operated by the State~~
4 Bureau of Investigation for the use of its agents and officers in the performance of their
5 official duties may be equipped with special lights, bells, sirens, horns or exhaust
6 whistles of a type approved by the Commissioner of Motor Vehicles.

7 Every vehicle used or operated for law enforcement purposes by the sheriff or any
8 salaried deputy sheriff or salaried rural policeman of any county, whether owned by the
9 county or not, may be, but is not required to be, equipped with special lights, bells,
10 sirens, horns or exhaust whistles of a type approved by the Commissioner of Motor
11 Vehicles. Such special equipment shall not be operated or activated by any person
12 except by a law enforcement officer while actively engaged in performing law
13 enforcement duties.

14 In addition to the use of special equipment authorized and required by this
15 subsection, the chief and assistant chiefs of each emergency rescue squad which is
16 recognized or sponsored by any municipality or civil preparedness agency, are hereby
17 authorized to use such special equipment on privately owned vehicles operated by them
18 while actually engaged in their official or semiofficial duties or services either within or
19 beyond the corporate limits of the municipality which recognizes or sponsors such
20 organization.

21 (c) Repealed by Session Laws 1979, c. 653, s. 2."

22 **SECTION 7.** G.S. 20-347.1 reads as rewritten:

23 "**§ 20-347.1. Odometer disclosure record retention.**

24 (a) Dealers and distributors of motor vehicles who are required by this Part to
25 execute an odometer disclosure statement shall retain, for five years, a photostat,
26 carbon, or other facsimile copy of each odometer mileage statement which they issue or
27 receive. They shall retain all odometer disclosure statements at their primary place of
28 business in an order that is appropriate to business requirements and that permits
29 systematic retrieval.

30 (b) Lessors shall retain, for five years following the date they transfer ownership
31 of the leased vehicle, each odometer disclosure statement which they receive from a
32 lessee. They shall retain all odometer disclosure statements at their primary place of
33 business in an order that is appropriate to business requirements and that permits
34 systematic retrieval.

35 (c) Each auction company shall establish and retain at its primary place of
36 business in an order that is appropriate to business requirements and that permits
37 systematic retrieval, for five years following the date of sale of each motor vehicle, the
38 following records:

- 39 (1) The name of the most recent owner (other than the auction company);
- 40 (2) The name of the buyer;
- 41 (3) The vehicle identification number; and
- 42 (4) The odometer reading on the date which the auction company took
43 possession of the motor vehicle.

1 (d) Records required to be kept under this section shall be open to inspection and
2 copying by law enforcement officers ~~of the Division~~ in order to determine compliance
3 with this Article."

4 **SECTION 8.** The Reviser of Statutes shall substitute the term "Highway
5 Patrol" for the term "Division" everywhere that term appears in Article 17 of Chapter 20
6 of the General Statutes.

7 **SECTION 9.** The Secretary of Transportation and the Secretary of Crime
8 Control and Public Safety shall jointly develop a plan to consolidate the functions of the
9 Enforcement Section of the Division of Motor Vehicles of the Department of
10 Transportation into the State Highway Patrol Division of the Department of Crime
11 Control and Public Safety. The plan shall identify law enforcement positions, inspector
12 positions, and civilian positions, and the proposed placement of each position. The plan
13 shall identify all cost savings anticipated as a result of the consolidation. The plan shall
14 be submitted to the Joint Legislative Transportation Oversight Committee, the
15 Corrections and Crime Control Oversight Committee, and the Joint Transportation
16 Appropriations Subcommittee on or before March 1, 2003.

17 **SECTION 10.** There is appropriated from the Highway Fund to the
18 Department of Transportation twenty-five thousand dollars (\$25,000) to prepare the
19 plan required by Section 8 of this act.

20 **SECTION 11.** There is appropriated from the Highway Fund to the
21 Department of Crime Control and Public Safety twenty-five thousand dollars (\$25,000)
22 to prepare the plan required by Section 8 of this act

23 **SECTION 12.** Sections 8 through 11 of this act become effective when they
24 become law. The remainder of this act becomes effective July 1, 2003.