

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1345*
Senate Judiciary I Committee Substitute Adopted 7/9/04

Short Title: Special Officers Authority/ DOT Tech. Corr.

(Public)

Sponsors:

Referred to:

May 10, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-49.1. Supplemental police authority of Division officers.

(a) In addition to the law enforcement authority granted in G.S. 20-49 or elsewhere, the Commissioner and the officers and inspectors of the Division whom the Commissioner designates have the authority to enforce criminal laws under any of the following circumstances:

(1) When they have probable cause to believe that a person has committed a criminal act in their presence and at the time of the violation they are engaged in the enforcement of laws otherwise within their jurisdiction.

(2) When they are asked to provide temporary assistance by the head of a State or local law enforcement agency or his designee and the request is within the scope of the agency's subject matter jurisdiction.

While acting pursuant to this subsection, the Division officers shall have the same powers vested in law enforcement officers by statute or common law. When acting pursuant to subdivision (2) of this subsection, the Division officers shall not be considered an officer, employee, or agent of the State or local law enforcement agency or designee asking for temporary assistance. Nothing in this section shall be construed to expand the Division officers' authority to initiate or conduct an independent

1 investigation into violations of criminal laws outside the scope of their subject matter or
 2 territorial jurisdiction.

3 (b) In addition to the law enforcement authority granted in G.S. 20-49 or
 4 elsewhere, the Commissioner and the officers and inspectors of the Division whom the
 5 Commissioner designates have the authority to investigate drivers license fraud and
 6 identity thefts related to drivers license fraud and to make arrests for these offenses."

7 SECTION 2. Chapter 20 of the General Statutes is amended by adding a
 8 new section to read:

9 "**§ 20-49.2. Supplemental authority of State Highway Patrol Motor Carrier**
 10 **Enforcement officers.**

11 (c) In addition to law enforcement authority granted in G.S. 20-49 or elsewhere,
 12 all sworn Motor Carrier Enforcement officers of the State Highway Patrol shall have the
 13 authority to enforce criminal laws under the following circumstances:

- 14 (1) When they have probable cause to believe that a person has committed
 15 a criminal act in their presence and at the time of the violation they are
 16 engaged in the enforcement of laws otherwise within their jurisdiction.
- 17 (2) When they are asked to provide temporary assistance by the head of a
 18 State or local law enforcement agency or his designee and the request
 19 is within the scope of the agency's subject matter jurisdiction.

20 While acting pursuant to this section, they shall have the same powers invested in
 21 law enforcement officers by statute or common law. When acting pursuant to
 22 subdivision (2) of this section, they shall not be considered an officer, employee, or
 23 agent for the State or local law enforcement agency or designee asking for temporary
 24 assistance. Nothing in this statute shall be construed to expand their authority to initiate
 25 or conduct an independent investigation into violations of criminal laws outside the
 26 scope of their subject matter or territorial jurisdiction."

27 SECTION 3.(a) The Secretary of Transportation may adopt temporary rules
 28 in accordance with G.S. 150B-21.1 to implement the provisions of G.S. 136-28.1(k)
 29 governing the acceptance of bids by electronic means. The authority granted to the
 30 Secretary by this section shall expire when the permanent rules necessary to implement
 31 this provision are adopted.

32 SECTION 3.(b) This section becomes effective when it becomes law and
 33 expires on June 30, 2005.

34 SECTION 4. G.S. 136-180(a) reads as rewritten:

35 "(a) Funds allocated from the Trust Fund for urban loops may be used only for the
 36 following urban loops:

Loop	Description	Affected Counties
37 ...		
38 Greensboro Loop	Multilane facility on new 39 location encircling City of 40 Greensboro including 41 interchanges with Cone	

1 Boulevard Extension and
2 ~~Lewis Fleming~~
3 Lewiston-Fleming Road
4 Extension Guilford

5"

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