

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 3  
Corrected Copy 1/30/17  
Transportation Committee Substitute Adopted 3/30/17

Short Title: DOT/DMV Changes.

(Public)

Sponsors:

Referred to:

January 26, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO STATE LAW RELATED TO THE DEPARTMENT OF  
3 TRANSPORTATION AND THE DIVISION OF MOTOR VEHICLES, AS  
4 RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT  
5 COMMITTEE.

6 The General Assembly of North Carolina enacts:

7  
8 **PART I. DEPARTMENT OF TRANSPORTATION CHANGES**

9  
10 **DOT RESIDUE PROPERTY DISPOSAL**

11 **SECTION 1.**(a) Article 2 of Chapter 136 of the General Statutes is amended by  
12 adding a new section to read:

13 **"§ 136-19.6. Residue property disposal; Department authority; definitions; classification**  
14 **and valuation; disposition method; proceeds; approvals required.**

15 (a) State Policy. – It is the policy of the State that the Department of Transportation  
16 shall dispose of its residue real property as expeditiously as possible, for the benefit of the  
17 citizens and taxpayers of the State.

18 (b) Department Authority to Dispose of Residue Property. – The Department, in  
19 accordance with this section, is vested with the power to manage, control, and dispose of real  
20 property acquired in fee simple and that the Department determines to be residue property.

21 (c) Definitions. – When used in this section, the following definitions apply:

22 (1) Appraised value. – The value of residue property determined by an  
23 appropriate area appraiser or appraiser using Department appraisal  
24 methodology.

25 (2) Appraiser. – An appraiser licensed or certified by the North Carolina  
26 Appraisal Board and approved by the Department to accomplish Department  
27 appraisals.

28 (3) Area appraiser. – A Department supervising staff appraiser currently  
29 associated with a Department area appraisal office.

30 (4) Current market value. – The value of property determined by the  
31 Department, in the absence of an appraised value, when obtaining an  
32 appraisal is not feasible as determined by the Department. This value shall  
33 be determined by the appropriate Division Right-of-Way agent and  
34 Right-of-Way Unit manager. The Department shall document a



- 1 determination of current market value by means other than determining an  
2 appraised value.
- 3 (5) Negotiated sale. – Method of sale involving discussion and agreement of  
4 sale terms with a single or limited group of purchasers. This method may be  
5 undertaken by the Department or the Department may delegate a negotiated  
6 sale of residue property to real estate brokers licensed in this State, at the  
7 election of the Chief Engineer.
- 8 (6) Public sale. – Method of disposing of residue property utilizing advertising  
9 and solicitation of competitive bids. This method may be undertaken by the  
10 Department or the Department may delegate a public sale to a real estate  
11 broker, auctioneer, or auction firm licensed in this State, at the election of  
12 the Chief Engineer.
- 13 (7) Residue property. – Real property that is owned in fee simple by the  
14 Department, that was acquired by the Department in addition to the property  
15 necessary for a transportation project because it would have been an  
16 uneconomic remnant to the prior owner following completion of that  
17 transportation project.
- 18 (8) Residue property value. – The Department approved value of the residue  
19 property, established by either the current market value or appraised value  
20 method.
- 21 (9) Uneconomic remnant. – Real property, that was located outside of a  
22 proposed right-of-way prior to acquisition, determined to have nominal or no  
23 value to the owner after a Department acquisition pursuant to G.S. 136-19.
- 24 (10) Upset bid. – At a public sale, an increased bid by a person that exceeds the  
25 highest bid received in response to the notice of public sale, or the last upset  
26 bid, as applicable, by a minimum of five percent (5%).
- 27 (d) Classification of Residue Property. – The Department shall adopt criteria to guide  
28 the Department in classifying residue property, in its opinion, according to its highest potential  
29 benefit to the Department or potential purchasers. Once classified, residue property that has not  
30 been disposed of within five years shall be reviewed and reclassified if appropriate.
- 31 (1) Residue property of sufficient size and access to allow commercial or  
32 residential development shall be designated "Class A."
- 33 (2) Residue property that enhances the value of adjacent property by allowing  
34 more extensive use when joined with adjacent property shall be designated  
35 "Class B."
- 36 (3) Residue property that, due to size or access, is only of value to adjacent  
37 property owners, or that is of minimal or no value, shall be designated "Class  
38 C."
- 39 (4) Residue property that has not yet been classified or may be needed by the  
40 Department for future use shall be designated "Class D."
- 41 (e) Residue Property Inventory. – The Department shall create and maintain a single  
42 comprehensive and up-to-date inventory of residue property owned in fee simple by the  
43 Department.
- 44 (f) Methods of Disposition Based on Class of Residue Property. – The Department  
45 shall utilize its best efforts to dispose of Class A, Class B, and Class C residue property within  
46 four years of its classification, and in accordance with the following methods:
- 47 (1) Public sale. – The sale of Class A residue property shall be disposed of by  
48 public sale and may be sold by either sealed bid or by auction, at the election  
49 of the Right-of-Way Branch of the Department. The sale of the property  
50 must be advertised by at least two of the following methods:

- 1                   a.       Publication once a week for at least two successive weeks, in a  
2                   newspaper qualified for legal advertising published in the area in  
3                   which the residue property is located, or if no newspaper qualified  
4                   for legal advertising is published in the area, in a newspaper having  
5                   general circulation in the area in which the residue property is  
6                   located.
- 7                   b.       Placement on the Department Web site.
- 8                   c.       Placement of a "For Sale" sign on the residue property.
- 9                   Upset bids must be received within 10 business days following the deadline  
10                  for receipt of sealed bids or closing of an auction. The highest bid shall be  
11                  presented to the Board of Transportation at its next regular meeting after the  
12                  deadline for receipt of bids for rejection or acceptance. The Department may  
13                  reject all bids if the Department does not consider the bids to be in accord  
14                  with the appraised value as approved by the Department. The Department  
15                  shall approve an appraised value for Class A residue property prior to  
16                  disposition pursuant to this subdivision.
- 17                  (2)       Other methods of disposition for residue property. –
- 18                  a.       Class A, Class B, or Class C residue property may be conveyed to a  
19                  State agency, public institution, and other local governmental units  
20                  by negotiated sale or exchange or may be donated provided its future  
21                  use is for public purposes.
- 22                  b.       Class B residue property may be sold, in whole or in part where  
23                  feasible, by either negotiated sale or exchange for a residue property  
24                  value that is approved by the Division Right-of-Way agent and the  
25                  Right-of-Way Unit manager.
- 26                  c.       Class C residue property may be sold to an adjacent property owner,  
27                  in whole or in part where feasible, by either negotiated sale or  
28                  exchange for the residue property value that is approved by the  
29                  Division Right-of-Way agent and the Right-of-Way Unit manager.
- 30                  d.       Class B and Class C residue property with an area of one acre or less  
31                  and a residue property value of twenty-five thousand dollars  
32                  (\$25,000) or less may be sold by negotiated sale or exchange with an  
33                  adjoining owner. The Division Right-of-Way agent or their designee  
34                  may negotiate with the adjoining owners concerning the disposal of  
35                  each residue for a consideration that is approved by the Division  
36                  Right-of-Way agent and the Right-of-Way Unit manager.
- 37                  (3)       Exchange with a public utility company. – Class B and Class C residue  
38                  property may be used for the purpose of exchange with a public utility  
39                  company in part or in full consideration for acquiring rights-of-way. The  
40                  exchange shall be based on the residue property value and the fair market  
41                  value of rights-of-way to be acquired.
- 42                  (4)       Exchange with a property owner. – Class B and Class C residue property  
43                  may be used for the purpose of exchange with another property owner in  
44                  part or full consideration for acquiring rights-of-way. The exchange shall be  
45                  based on the residue property value and the fair market value of  
46                  rights-of-way to be acquired.
- 47                  (5)       Sale to persons displaced by a transportation project. – Residue property  
48                  may be sold by negotiated sale to a property owner displaced by a  
49                  transportation project and shall be based upon the residue property value.  
50                  Residue property sold pursuant to this subdivision shall not include any real  
51                  property previously owned by a displaced property owner.

1        (g) Proceeds to State Highway Fund. – Notwithstanding G.S. 146-15 and G.S. 146-30,  
2 no service charge into the State Land Fund shall be deducted from or levied against the  
3 proceeds of any disposition of residue property pursuant to this section. Net proceeds received  
4 pursuant to disposition of residue property in accordance with this section, less any  
5 apportionment required by federal law or regulation regulating its use, shall be deposited in the  
6 State Highway Fund.

7        (h) Approvals Required. – All conveyances of residue property require Department and  
8 Board of Transportation approval. Conveyance of residue property with a residue property  
9 value of less than ten thousand dollars (\$10,000) shall not require the approval of the Governor  
10 and Council of State, otherwise Governor and Council of State approval is also required.

11        (i) Recordation of Conveyance. – The Department shall record all conveyances of  
12 residue property pursuant to this section in accordance with G.S. 47-27 and other applicable  
13 State law.

14        (j) Rule-making Authority. – The Department shall also have the authority to adopt,  
15 amend, or repeal rules as it may deem necessary to carry out its duties under the provisions of  
16 this section.

17        (k) Reconveyance to Former Owner. – Nothing in this section shall preclude the  
18 reconveyance of condemned property to its former owner pursuant to G.S. 136-19.

19        (l) Report to Joint Legislative Transportation Oversight Committee. – No later than  
20 March 1, 2019, and by March 1 each year thereafter, the Department shall report to the Joint  
21 Legislative Transportation Oversight Committee on the classification and sale of residue  
22 properties pursuant to this section. At a minimum, this report shall include information on the  
23 following:

24            (1) The number and type of properties classified.

25            (2) The number and type of properties sold, including information about the  
26 manner of sale, the identity of the purchaser, and the average ratio of sale  
27 price to residue property value of the properties sold."

28        **SECTION 1.(b) Pilot Program to Reduce Inventory of DOT Residue Property. –**  
29 **No later than January 1, 2018, the Department shall establish a pilot program for disposing of**  
30 **residue property in accordance with Section 1(a) of this act. In implementing this pilot**  
31 **program, the Department shall prepare a Request for Proposals to select three real estate**  
32 **brokers and three real estate auctioneers or real estate auction firms to dispose of a**  
33 **representative sample of residue properties, selected by the Department, consisting of at least**  
34 **15 Class A properties, 30 Class B properties, and 45 Class C properties distributed throughout**  
35 **the State. If the quantity of residue property in each class is insufficient to satisfy this**  
36 **minimum, the Department may set a minimum based on the quantity of residue properties**  
37 **available. The term for the initial contracts awarded shall be 180 days. The Department shall**  
38 **repeat the Request for Proposals process to award contracts for a subsequent 180-day term. The**  
39 **Department shall review the progress of residue property disposition pursuant to each contract**  
40 **awarded through the pilot program. The pilot program shall terminate on January 1, 2019.**

41        **SECTION 1.(c) No later than March 1, 2018, and by March 1, 2019, the**  
42 **Department shall report to the Joint Legislative Transportation Oversight Committee on the**  
43 **classification and sale of residue properties pursuant to the pilot program established pursuant**  
44 **to Section 1(b) of this act. At a minimum, this report shall include information on the**  
45 **following:**

46            (1) The number and type of properties classified and offered as part of each  
47 Request for Proposal.

48            (2) The details of each Request for Proposal and award of contract pursuant to  
49 each Request for Proposal.

- 1 (3) The number and type of properties sold, including information about the  
2 manner of sale, the identity of the purchaser, and the average ratio of sale  
3 price to residue property value of the properties sold.  
4

5 **EXTEND SUNSET FOR DOT MINORITY-OWNED/WOMEN-OWNED BUSINESSES**  
6 **PROGRAM**

7 **SECTION 2.** G.S. 136-28.4(e) reads as rewritten:

- 8 "(e) This section expires August 31, ~~2017~~2019."  
9

10 **ELIMINATE ANNUAL REPORT ON REDUCING VEHICLE MILES TRAVELED BY**  
11 **STATE EMPLOYEES**

12 **SECTION 3.** Subsections (d) and (e) of G.S. 143-215.107C are repealed.  
13

14 **PART II. DIVISION OF MOTOR VEHICLES CHANGES**

15  
16 **CLARIFY THAT HYBRID VEHICLES WITH EMISSIONS COMPONENTS ARE**  
17 **SUBJECT TO EMISSIONS INSPECTIONS**

18 **SECTION 4.** G.S. 20-4.01 reads as rewritten:

19 **"§ 20-4.01. Definitions.**

20 Unless the context requires otherwise, the following definitions apply throughout this  
21 Chapter to the defined words and phrases and their cognates:

22 ...

23 (12a) Fuel cell electric vehicle. – A four-wheeled motor vehicle that does not have  
24 the ability to be propelled by a gasoline engine and that meets each of the  
25 following requirements:

- 26 a. Is made by a manufacturer primarily for use on public streets, roads,  
27 and highways and meets National Highway Traffic Safety  
28 Administration standards included in 49 C.F.R. § 571.  
29 b. Has not been modified from original manufacturer specifications  
30 with regard to power train or any manner of powering the vehicle.  
31 c. Uses hydrogen and a fuel cell to produce electricity on board to  
32 power an electric motor to propel the vehicle.  
33 d. Is rated at not more than 8,500 pounds unloaded gross vehicle  
34 weight.  
35 e. Has a maximum speed capability of at least 65 miles per hour.  
36

37 ...

38 (28a) Plug-in electric vehicle. – A four-wheeled motor vehicle that does not have  
39 the ability to be propelled by a gasoline engine and that meets each of the  
40 following requirements:

- 41 a. Is made by a manufacturer primarily for use on public streets, roads,  
42 and highways and meets National Highway Traffic Safety  
43 Administration standards included in 49 C.F.R. § 571.  
44 b. Has not been modified from original manufacturer specifications  
45 with regard to power train or any manner of powering the vehicle.  
46 c. Is rated at not more than 8,500 pounds unloaded gross vehicle  
47 weight.  
48 d. Has a maximum speed capability of at least 65 miles per hour.  
49 e. Draws electricity from a battery that has all of the following  
50 characteristics:  
1. A capacity of not less than four kilowatt hours.

- 1 2. Capable of being recharged from an external source of  
2 electricity.

3 ...."

4  
5 **MODIFY PROCESS BY WHICH DMV DETERMINES WHETHER TO REVOKE A**  
6 **DRIVERS LICENSE OF A PERSON WHO HAS BEEN ADJUDICATED**  
7 **INCOMPETENT**

8 **SECTION 5.(a)** G.S. 20-17.1(a) reads as rewritten:

9 "(a) The Commissioner, upon receipt of notice that any person has been legally  
10 adjudicated incompetent or has been involuntarily committed to an institution for the treatment  
11 of ~~alcoholism or drug addiction~~, an alcohol abuse or substance abuse disorder, shall forthwith  
12 make inquiry into the facts for the purpose of determining whether such person is competent to  
13 operate a motor vehicle. ~~If a person has been adjudicated incompetent under Chapter 35A of~~  
14 ~~the General Statutes, in making an inquiry into the facts, the Commissioner shall consider the~~  
15 ~~clerk of court's recommendation regarding whether the incompetent person should be allowed~~  
16 ~~to retain his or her driving privilege. If a clerk of court, in any incompetency adjudication order~~  
17 ~~under Chapter 35A of the General Statutes, recommends that any person's driving privilege be~~  
18 ~~revoked, the Division shall immediately revoke such person's driving privilege. If the clerk of~~  
19 ~~court, in any such order, recommends that the person retain their driving privilege, or makes no~~  
20 ~~recommendation concerning their driving privilege, the Division shall determine whether the~~  
21 ~~person shall retain their driving privilege, based upon an inquiry of the facts. Unless the~~  
22 ~~Commissioner is satisfied that such person is competent to operate a motor vehicle with safety~~  
23 ~~to persons and property, he the Commissioner shall revoke such person's driving privilege.~~  
24 ~~Provided that if such person requests, in writing, a hearing, he shall retain his license until after~~  
25 ~~the hearing, and if the revocation is sustained after such hearing, the person whose driving~~  
26 ~~privilege has been revoked under the provisions of this section, Any person whose driving~~  
27 ~~privilege is revoked pursuant to this subsection shall have the right to a review by the review~~  
28 ~~board as provided in G.S. 20-9(g)(4) upon written request filed with the Division."~~

29 **SECTION 5.(b)** This section becomes effective February 1, 2018, and applies to  
30 adjudications on or after that date.

31  
32 **REDESIGNATE DMV LICENSE AND THEFT INSPECTORS AS AGENTS**

33 **SECTION 6.(a)** G.S. 20-16.5(e) reads as rewritten:

34 "(e) Procedure if Report Filed with Judicial Official When Person Is Present. – If a  
35 properly executed revocation report concerning a person is filed with a judicial official when  
36 the person is present before that official, the judicial official shall, after completing any other  
37 proceedings involving the person, determine whether there is probable cause to believe that  
38 each of the conditions of subsection (b) has been met. If he determines that there is such  
39 probable cause, he shall enter an order revoking the person's driver's license for the period  
40 required in this subsection. The judicial official shall order the person to surrender his license  
41 and if necessary may order a law-enforcement officer to seize the license. The judicial official  
42 shall give the person a copy of the revocation order. In addition to setting it out in the order the  
43 judicial official shall personally inform the person of his right to a hearing as specified in  
44 subsection (g), and that his license remains revoked pending the hearing. The revocation under  
45 this subsection begins at the time the revocation order is issued and continues until the person's  
46 license has been surrendered for the period specified in this subsection, and the person has paid  
47 the applicable costs. The period of revocation is 30 days, if there are no pending offenses for  
48 which the person's license had been or is revoked under this section. If at the time of the current  
49 offense, the person has one or more pending offenses for which his license had been or is  
50 revoked under this section, the revocation shall remain in effect until a final judgment,  
51 including all appeals, has been entered for the current offense and for all pending offenses. In

1 no event, may the period of revocation under this subsection be less than 30 days. If within five  
2 working days of the effective date of the order, the person does not surrender his license or  
3 demonstrate that he is not currently licensed, the clerk shall immediately issue a pick-up order.  
4 The pick-up order shall be issued to a member of a local law-enforcement agency if the law  
5 enforcement officer was employed by the agency at the time of the charge and the person  
6 resides in or is present in the agency's territorial jurisdiction. In all other cases, the pick-up  
7 order shall be issued to an officer or ~~inspector-agent~~ of the Division. A pick-up order issued  
8 pursuant to this section is to be served in accordance with G.S. 20-29 as if the order had been  
9 issued by the Division."

10 **SECTION 6.(b)** G.S. 20-49 reads as rewritten:

11 **"§ 20-49. Police authority of Division.**

12 The Commissioner and such officers and ~~inspectors-agents~~ of the Division as ~~he-the~~  
13 Commissioner shall designate and all members of the Highway Patrol and law enforcement  
14 officers of the Department of Public Safety shall have the power:

15 ...."

16 **SECTION 6.(c)** G.S. 20-49.1 reads as rewritten:

17 **"§ 20-49.1. Supplemental police authority of Division ~~officers-officers and agents.~~**

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

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

28 While acting pursuant to this subsection, the Division officers and agents shall have the  
29 same powers vested in law enforcement officers by statute or common law. When acting  
30 pursuant to subdivision (2) of this subsection, the Division officers and agents shall not be  
31 considered an officer, employee, or agent of the State or local law enforcement agency or  
32 designee asking for temporary assistance. Nothing in this section shall be construed to expand  
33 the Division officers' or agents' authority to initiate or conduct an independent investigation  
34 into violations of criminal laws outside the scope of their subject matter or territorial  
35 jurisdiction.

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

40 **SECTION 6.(d)** G.S. 20-53(e) reads as rewritten:

41 "(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are  
42 1980 model year or older or (ii) a specially constructed vehicle prior to the completion of a  
43 vehicle verification conducted by the License and Theft Bureau of the Division of Motor  
44 Vehicles. These verifications shall be conducted as soon as practical. For an out-of-state  
45 vehicle that is 1980 model year or older, this inspection shall consist of verifying the public  
46 vehicle identification number to ensure that it matches the vehicle and ownership documents.  
47 No covert vehicle identification numbers are to be examined on an out-of-state vehicle 1980  
48 model year or older unless the ~~inspector-agent~~ develops probable cause to believe that the  
49 ownership documents or public vehicle identification number presented does not match the  
50 vehicle being examined. However, upon such application and the submission of any required  
51 documentation, the Division shall be authorized to register the vehicle pending the completion

1 of the verification of the vehicle. The registration shall be valid for one year but shall not be  
2 renewed unless and until the vehicle examination has been completed.

3 If an inspection and verification is not conducted by the License and Theft Bureau of the  
4 Division of Motor Vehicles within 15 days after receiving a request for such and the ~~inspector~~  
5 agent has no probable cause to believe that the ownership documents or public vehicle  
6 identification number presented does not match the vehicle being examined, the vehicle shall  
7 be deemed to have satisfied all inspection and verification requirements and title shall issue to  
8 the owner within 15 days thereafter. If an inspection and verification is timely performed and  
9 the vehicle passes the inspection and verification, title shall issue to the owner within 15 days  
10 of the date of the inspection."

11 **SECTION 6.(e)** G.S. 20-108 reads as rewritten:

12 **"§ 20-108. Vehicles or component parts of vehicles without manufacturer's numbers.**

13 ...

14 (b) The Commissioner and such officers and ~~inspectors~~ agents of the Division of Motor  
15 Vehicles as he has designated may take and possess any motor vehicle or component part if its  
16 engine number, vehicle identification number, or manufacturer's serial number has been altered,  
17 changed, or obliterated or if such officer or agent has probable cause to believe that the driver  
18 or person in charge of the motor vehicle or component part has violated subsection (a) above.  
19 Any officer or agent who so takes possession of a motor vehicle or component part shall  
20 immediately notify the Division of Motor Vehicles and the rightful owner, if known. The  
21 notification shall contain a description of the motor vehicle or component part and any other  
22 facts that may assist in locating or establishing the rightful ownership thereof or in prosecuting  
23 any person for a violation of the provisions of this Article.

24 (c) Within 15 days after seizure of a motor vehicle or component part pursuant to this  
25 section, the Division shall send notice by certified mail to the person from whom the property  
26 was seized and to all claimants to the property whose interest or title is in the registration  
27 records in the Division of Motor Vehicles that the Division has taken custody of the motor  
28 vehicle or component part. The notice shall also contain the following information:

- 29 (1) The name and address of the person or persons from whom the motor  
30 vehicle or component part was seized;
- 31 (2) A statement that the motor vehicle or component part has been seized for  
32 investigation as provided in this section and that the motor vehicle or  
33 component part will be released to the rightful owner:
- 34 a. Upon a determination that the identification number has not been  
35 altered, changed, or obliterated; or
- 36 b. Upon presentation of satisfactory evidence of the ownership of the  
37 motor vehicle or component part if no other person claims an interest  
38 in it within 30 days of the date the notice is mailed. Otherwise, a  
39 hearing regarding the disposition of the motor vehicle or component  
40 part may take place in a court having jurisdiction.
- 41 (3) The name and address of the officer or agent to whom evidence of  
42 ownership of the motor vehicle or component part may be presented; and
- 43 (4) A copy statement of the text contained in this section.

44 (d) Whenever a motor vehicle or component part comes into the custody of an ~~officer,~~  
45 officer or agent, the Division of Motor Vehicles may commence a civil action in the District  
46 Court in the county in which the motor vehicle or component part was seized to determine  
47 whether the motor vehicle or component part should be destroyed, sold, converted to the use of  
48 the Division or otherwise disposed of by an order of the court. The Division shall give notice of  
49 the commencement of such an action to the person from whom the motor vehicle or component  
50 part was seized and all claimants to the property whose interest or title is in the registration  
51 records of the Division of Motor Vehicles. Notice shall be by certified mail sent within 10 days



1 after the filing of the action. In addition, any possessor of a motor vehicle or component part  
2 described in this section may commence a civil action under the provisions of this section, to  
3 which the Division of Motor Vehicles may be made a party, to provide for the proper  
4 disposition of the motor vehicle or component part.

5 ...

6 (j) An officer or agent taking into custody a motor vehicle or component part under the  
7 provisions of this section is authorized to obtain necessary removal and storage services, but  
8 shall incur no personal liability for such services. The person or company so employed shall be  
9 entitled to reasonable compensation as a claimant under (e), and shall not be deemed an  
10 unlawful possessor under (a)."

## 11 **LIMIT ISSUANCE OF 10-DAY TEMPORARY VEHICLE REGISTRATION TAGS**

12 **SECTION 7.(a)** G.S. 20-50(b) reads as rewritten:

13 "(b) The Division may issue a temporary license plate for a vehicle. A temporary license  
14 plate is valid for the period set by the Division. The period may not be less than 10 days nor  
15 more than 60 days. Except for a vehicle that is model year 1980 or older and is being  
16 transported directly to or from a vehicle show or exhibition, the Division shall not issue more  
17 than two 10-day temporary license plates to a person for a particular vehicle during an annual  
18 registration period.

19 A person may obtain a temporary license plate for a vehicle by filing an application with  
20 the Division and paying the required fee. An application must be filed on a form provided by  
21 the Division.

22 The fee for a temporary license plate that is valid for 10 days is ten dollars (\$10.00). The  
23 fee for a temporary license plate that is valid for more than 10 days is the amount that would be  
24 required with an application for a license plate for the vehicle. If a person obtains for a vehicle  
25 a temporary license plate that is valid for more than 10 days and files an application for a  
26 license plate for that vehicle before the temporary license plate expires, the person is not  
27 required to pay the fee that would otherwise be required for the license plate.

28 A temporary license plate is subject to the following limitations and conditions:

- 29 (1) It may be issued only upon proper proof that the applicant has met the  
30 applicable financial responsibility requirements.  
31 (2) It expires on midnight of the day set for expiration.  
32 (3) It may be used only on the vehicle for which issued and may not be  
33 transferred, loaned, or assigned to another.  
34 (4) If it is lost or stolen, the person who applied for it must notify the Division.  
35 (5) It may not be issued by a dealer.  
36 (6) The provisions of G.S. 20-63, 20-71, 20-110 and 20-111 that apply to license  
37 plates apply to temporary license plates insofar as possible."  
38

39 **SECTION 7.(b)** This section becomes effective January 1, 2018, and applies to  
40 applications received on or after that date.

## 41 **REMOVE SIGNATURE LINE FROM MOTOR VEHICLE REGISTRATION CARD**

42 **SECTION 8.** G.S. 20-57(b) reads as rewritten:

43 "(b) The registration card shall be delivered to the owner and shall contain upon the face  
44 thereof the name and address of the owner, ~~space for the owner's signature,~~ the registration  
45 number assigned to the vehicle, and a description of the vehicle as determined by the  
46 Commissioner, provided that if there are more than two owners the Division may show only  
47 two owners on the registration card and indicate that additional owners exist by placing after  
48 the names listed "et al." An owner may obtain a copy of a registration card issued in the  
49 owner's name by applying to the Division for a copy and paying the fee set in G.S. 20-85."  
50  
51

1 **ALLOW REMOTE CONVERSION OF CERTAIN FULL PROVISIONAL LICENSES**  
2 **TO CLASS C LICENSES**

3 **SECTION 9.(a)** G.S. 20-7(f)(1) reads as rewritten:

4 "(1) Duration of license for persons under age 18. – A full provisional license  
5 issued to a person under the age of 18 expires on the sixtieth day following  
6 the person's twenty-first birthday."

7 **SECTION 9.(b)** G.S. 20-7(f)(6) reads as rewritten:

8 "(6) Remote ~~renewal~~renewal or conversion. – Subject to the following  
9 requirements and limitations, the Division may offer remote renewal of a  
10 drivers ~~license~~license or remote conversion of a full provisional license,  
11 issued by the Division:

12 a. Requirements. – To be eligible for remote renewal or conversion  
13 under this subdivision, a person must meet all of the following  
14 requirements:

15 1. The license holder (i) possesses a ~~valid, unexpired~~ valid Class  
16 C drivers license that was issued when the person was at least  
17 18 years old or (ii) possesses a valid full provisional license  
18 and is at least 18 years old at the time of the remote  
19 conversion request.

20 2. The license holder's current license includes no restrictions  
21 other than a restriction for corrective lenses.

22 3. The license holder attests, in a manner designated by the  
23 Division, that (i) the license holder is a resident of the State  
24 and currently resides at the address on the license to be  
25 ~~renewed~~renewed or converted, (ii) the license holder's name  
26 as it appears on the license to be renewed or converted has  
27 not changed, and (iii) all other information required by the  
28 Division for an in-person renewal under this Article has been  
29 provided completely and truthfully. If the license holder does  
30 not currently reside at the address on the license to be  
31 renewed or converted, the license holder may comply with  
32 the address requirement of this sub-sub-subdivision by  
33 providing the address at which the license holder resides at  
34 the time of the remote renewal or conversion request.

35 4. ~~The~~For a remote renewal, the most recent renewal was an  
36 in-person renewal and not a remote renewal under this  
37 subdivision.

38 5. The license holder is otherwise eligible for renewal or  
39 conversion under this subsection.

40 b. Waiver of requirements. – When renewing or converting a drivers  
41 license pursuant to this subdivision, the Division may waive the  
42 examination and photograph that would otherwise be required for the  
43 ~~renewal~~renewal or conversion.

44 c. Duration of remote ~~renewal~~renewal or conversion. – A ~~renewed~~  
45 drivers license issued to a person by remote renewal or conversion  
46 under this subdivision expires according to the following schedule:

47 1. For a person at least 18 years old but less than 66 years old,  
48 on the birthday of the licensee in the eighth year after  
49 issuance.

50 2. For a person at least 66 years old, on the birthday of the  
51 licensee in the fifth year after issuance.

- 1 d. Rules. – The Division shall adopt rules to implement this  
2 subdivision.
- 3 e. Federal law. – Nothing in this subdivision shall be construed to  
4 supersede any more restrictive provisions for renewal or conversion  
5 of drivers licenses prescribed by federal law or regulation.
- 6 f. Definition. – For purposes of this subdivision, "remote ~~renewal~~"  
7 renewal or conversion" means renewal or conversion of a drivers  
8 license or full provisional license by mail, telephone, electronic  
9 device, or other secure means approved by the Commissioner."

10 **SECTION 9.(c)** Subsection (a) of this section becomes effective March 1, 2018,  
11 and applies to full provisional licenses issued on or after that date. The remainder of this  
12 section becomes effective March 1, 2018.

13  
14 **TEMPORARY REGISTRATION PLATES/EXTEND TIME LIMIT FOR DELIVERY**  
15 **OF SALES DOCUMENTS**

16 **SECTION 10.(a)** G.S. 20-79.1(d)(3) reads as rewritten:

17 "(d) A dealer shall:

18 ...

- 19 (3) Within ~~40-20~~ working days, mail or deliver the application and fees to the  
20 Division or deliver the application and fees to a local license agency for  
21 processing. Delivery need not be made if the contract for sale has been  
22 rescinded in writing by all parties to the contract."

23 **SECTION 10.(b)** This section is effective when it becomes law and applies to  
24 sales made on or after that date.

25  
26 **SPECIAL IDENTIFICATION CARDS/MODIFY ISSUANCE PROCESS AND ALLOW**  
27 **REMOTE RENEWAL**

28 **SECTION 11.(a)** G.S. 20-37.7 reads as rewritten:

29 "**§ 20-37.7. Special identification card.**

30 ...

31 (d) ~~Expiration and Fee.Duration. – A special Special identification card issued to a~~  
32 ~~person for the first time under this section expires when a drivers license issued on the same~~  
33 ~~day to that person would expire. A special identification card renewed under this section~~  
34 ~~expires when a drivers license renewed by the card holder on the same day would expire.cards~~  
35 shall be issued and renewed pursuant to the provisions of this subsection:

- 36 (1) Duration for persons under age 18. – A special identification card issued to  
37 or renewed by a person under the age of 18 expires on the birthday of the  
38 holder in the fifth year after issuance.
- 39 (2) Duration for persons age 18 and older. – A special identification card issued  
40 to or renewed by a person at least 18 years old expires on the birthday of the  
41 holder in the eighth year after issuance.
- 42 (3) Duration for certain other persons. – The durations listed in subdivisions (1)  
43 and (2) of this subsection are valid unless the Division determines that a  
44 special identification card of shorter duration should be issued when the  
45 applicant holds valid documentation issued by, or under the authority of, the  
46 United States government that demonstrates the applicant's legal presence of  
47 limited duration in the United States. In no event shall a special  
48 identification card of limited duration expire later than the expiration of the  
49 authorization for the applicant's legal presence in the United States.
- 50 (4) When to renew. – A person may apply to the Division to renew a special  
51 identification card during the 180-day period before the special identification

1 card expires. The Division may not accept an application for renewal made  
2 before the 180-day period begins.

3 (d1) Fee. – The fee for a new or renewed special identification card is the same as the fee  
4 set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card  
5 issued to a resident of this State as follows:

6 ...  
7 (7) The applicant has a developmental disability. To obtain a special  
8 identification card without paying a fee pursuant to this subdivision, an  
9 applicant must present a ~~letter from~~ letter or a form approved by the  
10 Division, signed by his or her primary care provider certifying that the  
11 applicant has a developmental disability. For purposes of this subdivision,  
12 the term "developmental disability" has the same meaning as in  
13 G.S. 122C-3.

14 (d2) Remote Renewal. – Subject to the following limitations and requirements, the  
15 Division may offer remote renewal of a special identification card issued by the Division:

16 (1) Requirements. – To be eligible for remote renewal under this subsection, a  
17 person must meet all of the following requirements:

18 a. The special identification card holder possesses a valid special  
19 identification card that was issued when the person was at least 18  
20 years old.

21 b. The special identification card holder attests, in a manner designated  
22 by the Division, that (i) the special identification card holder is a  
23 resident of the State and currently resides at the address on the  
24 special identification card to be renewed, (ii) the special  
25 identification card holder's name as it appears on the special  
26 identification card to be renewed has not changed, and (iii) all other  
27 information required by the Division for an in-person renewal under  
28 this Article has been provided completely and truthfully. If the  
29 special identification card holder does not currently reside at the  
30 address on the special identification card to be renewed, the special  
31 identification card holder may comply with the address requirement  
32 of this sub-subdivision by providing the address at which the special  
33 identification card holder resides at the time of the remote renewal  
34 request.

35 c. The most recent renewal was an in-person renewal and not a remote  
36 renewal under this subsection.

37 d. The special identification card holder is otherwise eligible for  
38 renewal under this subsection.

39 (2) Definition. – For purposes of this subsection, "remote renewal" means  
40 renewal of a special identification card by mail, telephone, electronic device,  
41 or other secure means approved by the Commissioner.

42 ~~(d1)~~(d3) Severe Disability. – For a person who has a physician's letter certifying that a  
43 severe disability causes the person to be homebound, the Division shall adopt rules allowing for  
44 application for or renewal of a special photo identification card under this section by means  
45 other than a personal appearance.

46 (d4) Special Identification Card to Be Sent by Mail. – The Division shall issue to the  
47 applicant a temporary identification certificate valid for 60 days. The temporary identification  
48 certificate shall not be valid for identification purposes, except when conducting business with  
49 the Division and not otherwise prohibited by federal law. The Division shall produce the  
50 applicant's special identification card at a central location and send it to the applicant by  
51 first-class mail at the residence address provided by the applicant, unless the applicant is

1 ineligible for mail delivery by the United States Postal Service at the applicant's residence. If  
2 the United States Postal Service documents that it does not deliver to the residential address  
3 provided by the applicant, and the Division has verified the applicant's residential address by  
4 other means, the Division may mail the special identification card to the post office box  
5 provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a  
6 post office box in this State may continue to receive their license at that post office box,  
7 provided the applicant's residential address has been verified by the Division.

8 ...."

9 **SECTION 11.(b)** G.S. 20-9.2(c) reads as rewritten:

10 "(c) This section does not apply to special identification cards issued pursuant to ~~G.S.~~  
11 ~~20-37.7(d)(5) or (6)~~-subdivision (5) or (6) of subsection (d1) of G.S. 20-37.7."

12 **SECTION 11.(c)** G.S. 163-275(13) reads as rewritten:

13 "(13) For any person falsely to make or present any certificate or other paper to  
14 qualify any person fraudulently as a voter, or to attempt thereby to secure to  
15 any person the privilege of voting, including declarations made under this  
16 Chapter, ~~G.S. 20-37.7(d)(5),~~ ~~20-37.7(d)(6),~~ ~~G.S. 20-37.7(d1)(5),~~  
17 ~~20-37.7(d1)(6),~~ 130A-93.1(c), and 161-10(a)(8)."

18 **SECTION 11.(d)** Subsections (b) and (c) of this section and subsection (d2) of  
19 G.S. 20-37.7, as enacted by subsection (a) of this section, become effective December 1, 2017.  
20 The remainder of this section becomes effective December 1, 2017, and applies to initial  
21 applications and renewals on or after that date.

## 22 **ELIMINATION OF DRIVERS LICENSE TECHNOLOGY FUND**

23 **SECTION 12.** G.S. 20-37.01 and G.S. 20-37.02(e) are repealed.

## 24 **MOTOR VEHICLE DEFINITION/TECHNICAL CORRECTION**

25 **SECTION 13.** G.S. 58-37-1(6) reads as rewritten:

26 "(6) "Motor vehicle" means every self-propelled vehicle that is designed for use  
27 upon a highway, including trailers and semitrailers designed for use with  
28 such vehicles (except traction engines, road rollers, farm tractors, tractor  
29 cranes, power shovels, and well drillers). "Motor vehicle" also means a  
30 motorcycle, as defined in G.S. 20-4.01(27)d., and a moped, as defined in  
31 ~~G.S. 20-4.01(27)d1., or G.S. 20-4.01(27)d1.~~ "Motor vehicle" does not mean  
32 an electric assisted bicycle, as defined in G.S. 20-4.01(7a)."  
33  
34  
35

## 36 **PART III. EFFECTIVE DATE**

37 **SECTION 14.** Except as otherwise provided, this act becomes effective July 1,  
38 2017.