

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 110
Feb 15, 2017
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH50010-RWz-1A* (09/22)

Short Title: DOT/DMV Changes.

(Public)

Sponsors: Representatives Torbett and Iler (Primary Sponsors).

Referred to:

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)** G.S. 136-19 is amended by adding a new subsection to read:

12 "(j) Remainder properties acquired in connection with acquisition of right-of-way shall be
13 disposed of as follows:

- 14 (1) The sale of all residues will be by public sale except as hereinafter specified.
15 (2) Residue properties sold by public sale may be sold by sealed bid, or by auction
16 at the election of the Right of Way Branch. The sale of such properties must be
17 advertised by at least one of the following methods:
18 a. Publication in a newspaper having general circulation in the county in
19 which the property is situated.
20 b. On a Department of Transportation Web site.
21 c. By placement of a "For Sale" sign on the residue.
22 (3) After opening bids or closing of auction, upset bids may be considered. The
23 high bid shall be presented to the Board of Transportation at its next regular
24 meeting after the date of the sale for rejection or acceptance. The Department of
25 Transportation may reject all bids if the Department does not consider the bids
26 to be in accord with the appraised or fair market value as determined by the
27 Department.
28 (4) Residue properties sold by public sale may also be sold by real estate brokers
29 licensed in North Carolina at the election of the Chief Engineer. The highest
30 offer to purchase shall be presented to the Board of Transportation at its next
31 regular meeting after the acceptance of the offer to purchase. The Department
32 of Transportation may reject all offers to purchase if the Department does not
33 consider them to be in accord with the appraised or fair market value as
34 determined by the Department.
35 (5) Those residue properties located adjacent to controlled access projects that are
36 landlocked may be sold to the adjoining property owner by negotiation rather



* D R H 5 0 0 1 0 - R W Z - 1 A *

1 than public sale for a consideration that is approved by the Division Right of
2 Way Agent and the Right of Way Unit Manager.

3 (6) Residue properties may be sold to State agencies and institutions and other
4 governmental units by negotiation rather than public sale and may be donated
5 provided their future use is for public purposes.

6 (7) Residue acquired in connection with highway purposes may be used for the
7 purpose of exchange with a public utility company in part or in full
8 consideration for property to be acquired for highway purposes from the public
9 utility company. Such exchanges shall be based on the appraised values of the
10 surplus property and the property to be acquired for highway purposes. Residue
11 property acquired in connection with right-of-way for a project may be used for
12 the purpose of exchange in part or full consideration for right-of-way being
13 acquired from another property owner on the project. Such exchanges shall be
14 based on the appraised values of the residue property and the right-of-way to be
15 acquired.

16 (8) Residues which have an area of one acre or less and a value of twenty-five
17 thousand dollars (\$25,000) or less and the highest and best use is for
18 assemblage with adjacent property may be sold without advertising by
19 negotiations rather than public sale to an adjoining owner. The Division Right
20 of Way Agent together with an Area Appraiser will determine the value of the
21 residue. Factors such as the after value as indicated in the original appraisal,
22 sales of similar properties, and sales of other residues, if any, in the area may be
23 considered in determining the value. After a value has been established, the
24 Division Right of Way Agent or their designee may negotiate with the
25 adjoining owners concerning the disposal of each residue. The decision of the
26 Division Right of Way Agent to accept and complete a sale is final.

27 (9) The Manager of Right of Way shall dispose of residues with values of less than
28 five thousand dollars (\$5,000), as determined in accordance with subdivision
29 (8) of this subsection, by executing and delivering on behalf of the Department
30 of Transportation a quit claim deed to the buyers of such residues after the
31 transactions are first approved by the Board of Transportation. Conveyances of
32 residues with values of less than five thousand dollars (\$5,000) shall not require
33 the approval of the Governor and Council of State.

34 (10) Residue properties or portions of residue properties acquired in connection with
35 right-of-way for a project and located outside the right-of-way for that project
36 may be sold by negotiation rather than by public sale to property owners and
37 tenants who are displaced by the project for relocation of the displacee. Such
38 sales shall be based upon the appraised value of the residue properties.

39 (11) Except as noted in this subsection, all sales of surplus lands, including, but not
40 limited to, surplus rights-of-way, residues, and uneconomic remnants, require
41 the approval of the Board of Transportation."

42 **SECTION 1.(b)** The Department of Transportation may adopt, amend, or repeal rules
43 to implement G.S. 136-19(j), as enacted by this section.

44 **SECTION 2.** Reserved

45
46 **EXTEND SUNSET FOR DOT MINORITY-OWNED/WOMEN-OWNED BUSINESSES**
47 **PROGRAM**

48 **SECTION 3.** G.S. 136-28.4(e) reads as rewritten:

49 "(e) This section expires August 31, 2017,2019."

50

1 **ELIMINATE ANNUAL REPORT ON REDUCING VEHICLE MILES TRAVELED BY**
 2 **STATE EMPLOYEES**

3 **SECTION 4.** Subsections (d) and (e) of G.S. 143-215.107C are repealed.
 4

5 **PART II. DIVISION OF MOTOR VEHICLES CHANGES**
 6

7 **CLARIFY THAT HYBRID VEHICLES WITH EMISSIONS COMPONENTS ARE**
 8 **SUBJECT TO EMISSIONS INSPECTIONS**

9 **SECTION 5.** G.S. 20-4.01 reads as rewritten:

10 **"§ 20-4.01. Definitions.**

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

13 ...
 14 (12a) Fuel cell electric vehicle. – A four-wheeled motor vehicle that does not have the
 15 ability to be propelled by a gasoline engine and that meets each of the following
 16 requirements:

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

26 ...
 27 (28a) Plug-in electric vehicle. – A four-wheeled motor vehicle that does not have the
 28 ability to be propelled by a gasoline engine and that meets each of the following
 29 requirements:

- 30 a. Is made by a manufacturer primarily for use on public streets, roads, and
 31 highways and meets National Highway Traffic Safety Administration
 32 standards included in 49 C.F.R. § 571.
 33 b. Has not been modified from original manufacturer specifications with
 34 regard to power train or any manner of powering the vehicle.
 35 c. Is rated at not more than 8,500 pounds unloaded gross vehicle weight.
 36 d. Has a maximum speed capability of at least 65 miles per hour.
 37 e. Draws electricity from a battery that has all of the following
 38 characteristics:
 39 1. A capacity of not less than four kilowatt hours.
 40 2. Capable of being recharged from an external source of
 41 electricity.

42"
 43

44 **MODIFY PROCESS BY WHICH DMV DETERMINES WHETHER TO REVOKE A**
 45 **DRIVERS LICENSE OF A PERSON WHO HAS BEEN ADJUDICATED INCOMPETENT**

46 **SECTION 6.(a)** G.S. 20-17.1(a) reads as rewritten:

47 "(a) The Commissioner, upon receipt of notice that any person has been legally adjudicated
 48 incompetent or has been involuntarily committed to an institution for the treatment of ~~alcoholism~~
 49 ~~or drug addiction, an alcohol abuse or substance abuse disorder,~~ shall forthwith make inquiry into
 50 the facts for the purpose of determining whether such person is competent to operate a motor
 51 vehicle. ~~If a person has been adjudicated incompetent under Chapter 35A of the General Statutes,~~

1 in making an inquiry into the facts, the Commissioner shall consider the clerk of court's
2 recommendation regarding whether the incompetent person should be allowed to retain his or her
3 driving privilege. If a clerk of court, in any incompetency adjudication order under Chapter 35A of
4 the General Statutes, recommends that any person's driving privilege be revoked, the Division
5 shall immediately revoke such person's driving privilege. If the clerk of court, in any such order,
6 recommends that the person retain their driving privilege, or makes no recommendation
7 concerning their driving privilege, the Division shall determine whether the person shall retain
8 their driving privilege, based upon an inquiry of the facts. Unless the Commissioner is satisfied
9 that such person is competent to operate a motor vehicle with safety to persons and property, he
10 the Commissioner shall revoke such person's driving privilege. Provided that if such person
11 requests, in writing, a hearing, he shall retain his license until after the hearing, and if the
12 revocation is sustained after such hearing, the person whose driving privilege has been revoked
13 under the provisions of this section, Any person whose driving privilege is revoked pursuant to
14 this subsection shall have the right to a review by the review board as provided in G.S. 20-9(g)(4)
15 upon written request filed with the Division."

16 **SECTION 6.(b)** This section becomes effective February 1, 2018, and applies to
17 adjudications on or after that date.

18 **REDESIGNATE DMV LICENSE AND THEFT INSPECTORS AS AGENTS**

19 **SECTION 7.(a)** G.S. 20-16.5(e) reads as rewritten:

20 "(e) Procedure if Report Filed with Judicial Official When Person Is Present. – If a properly
21 executed revocation report concerning a person is filed with a judicial official when the person is
22 present before that official, the judicial official shall, after completing any other proceedings
23 involving the person, determine whether there is probable cause to believe that each of the
24 conditions of subsection (b) has been met. If he determines that there is such probable cause, he
25 shall enter an order revoking the person's driver's license for the period required in this subsection.
26 The judicial official shall order the person to surrender his license and if necessary may order a
27 law-enforcement officer to seize the license. The judicial official shall give the person a copy of
28 the revocation order. In addition to setting it out in the order the judicial official shall personally
29 inform the person of his right to a hearing as specified in subsection (g), and that his license
30 remains revoked pending the hearing. The revocation under this subsection begins at the time the
31 revocation order is issued and continues until the person's license has been surrendered for the
32 period specified in this subsection, and the person has paid the applicable costs. The period of
33 revocation is 30 days, if there are no pending offenses for which the person's license had been or is
34 revoked under this section. If at the time of the current offense, the person has one or more
35 pending offenses for which his license had been or is revoked under this section, the revocation
36 shall remain in effect until a final judgment, including all appeals, has been entered for the current
37 offense and for all pending offenses. In no event, may the period of revocation under this
38 subsection be less than 30 days. If within five working days of the effective date of the order, the
39 person does not surrender his license or demonstrate that he is not currently licensed, the clerk
40 shall immediately issue a pick-up order. The pick-up order shall be issued to a member of a local
41 law-enforcement agency if the law enforcement officer was employed by the agency at the time of
42 the charge and the person resides in or is present in the agency's territorial jurisdiction. In all other
43 cases, the pick-up order shall be issued to an officer or ~~inspector~~ agent of the Division. A pick-up
44 order issued pursuant to this section is to be served in accordance with G.S. 20-29 as if the order
45 had been issued by the Division."

46 **SECTION 7.(b)** G.S. 20-49 reads as rewritten:

47 **"§ 20-49. Police authority of Division.**

48 The Commissioner and such officers and ~~inspectors~~ agents of the Division as ~~he~~ the
49 Commissioner shall designate and all members of the Highway Patrol and law enforcement
50 officers of the Department of Public Safety shall have the power:
51

1"

2 SECTION 7.(c) G.S. 20-49.1 reads as rewritten:

3 "**§ 20-49.1. Supplemental police authority of Division ~~officers~~ officers and agents.**

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

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

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

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

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

24 SECTION 7.(d) G.S. 20-53(e) reads as rewritten:

25 "(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are 1980
26 model year or older or (ii) a specially constructed vehicle prior to the completion of a vehicle
27 verification conducted by the License and Theft Bureau of the Division of Motor Vehicles. These
28 verifications shall be conducted as soon as practical. For an out-of-state vehicle that is 1980 model
29 year or older, this inspection shall consist of verifying the public vehicle identification number to
30 ensure that it matches the vehicle and ownership documents. No covert vehicle identification
31 numbers are to be examined on an out-of-state vehicle 1980 model year or older unless the
32 ~~inspector~~ agent develops probable cause to believe that the ownership documents or public vehicle
33 identification number presented does not match the vehicle being examined. However, upon such
34 application and the submission of any required documentation, the Division shall be authorized to
35 register the vehicle pending the completion of the verification of the vehicle. The registration shall
36 be valid for one year but shall not be renewed unless and until the vehicle examination has been
37 completed.

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

46 SECTION 7.(e) G.S. 20-108 reads as rewritten:

47 "**§ 20-108. Vehicles or component parts of vehicles without manufacturer's numbers.**

48 ...

49 (b) The Commissioner and such officers and ~~inspectors~~ agents of the Division of Motor
50 Vehicles as he has designated may take and possess any motor vehicle or component part if its
51 engine number, vehicle identification number, or manufacturer's serial number has been altered,

1 changed, or obliterated or if such officer or agent has probable cause to believe that the driver or
2 person in charge of the motor vehicle or component part has violated subsection (a) above. Any
3 officer or agent who so takes possession of a motor vehicle or component part shall immediately
4 notify the Division of Motor Vehicles and the rightful owner, if known. The notification shall
5 contain a description of the motor vehicle or component part and any other facts that may assist in
6 locating or establishing the rightful ownership thereof or in prosecuting any person for a violation
7 of the provisions of this Article.

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

- 13 (1) The name and address of the person or persons from whom the motor vehicle or
14 component part was seized;
- 15 (2) A statement that the motor vehicle or component part has been seized for
16 investigation as provided in this section and that the motor vehicle or
17 component part will be released to the rightful owner:
 - 18 a. Upon a determination that the identification number has not been
19 altered, changed, or obliterated; or
 - 20 b. Upon presentation of satisfactory evidence of the ownership of the
21 motor vehicle or component part if no other person claims an interest in
22 it within 30 days of the date the notice is mailed. Otherwise, a hearing
23 regarding the disposition of the motor vehicle or component part may
24 take place in a court having jurisdiction.
- 25 (3) The name and address of the officer or agent to whom evidence of ownership of
26 the motor vehicle or component part may be presented; and
- 27 (4) A copy statement of the text contained in this section.

28 (d) Whenever a motor vehicle or component part comes into the custody of an ~~officer,~~
29 officer or agent, the Division of Motor Vehicles may commence a civil action in the District Court
30 in the county in which the motor vehicle or component part was seized to determine whether the
31 motor vehicle or component part should be destroyed, sold, converted to the use of the Division or
32 otherwise disposed of by an order of the court. The Division shall give notice of the
33 commencement of such an action to the person from whom the motor vehicle or component part
34 was seized and all claimants to the property whose interest or title is in the registration records of
35 the Division of Motor Vehicles. Notice shall be by certified mail sent within 10 days after the
36 filing of the action. In addition, any possessor of a motor vehicle or component part described in
37 this section may commence a civil action under the provisions of this section, to which the
38 Division of Motor Vehicles may be made a party, to provide for the proper disposition of the
39 motor vehicle or component part.

40 ...

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

47 **LIMIT ISSUANCE OF 10-DAY TEMPORARY VEHICLE REGISTRATION TAGS**

48 **SECTION 8.(a)** G.S. 20-50(b) reads as rewritten:

49 "(b) The Division may issue a temporary license plate for a vehicle. A temporary license
50 plate is valid for the period set by the Division. The period may not be less than 10 days nor more
51 than 60 days. Except for a vehicle that is model year 1980 or older and is being transported

1 directly to or from a vehicle show or exhibition, the Division shall not issue more than two 10-day
2 temporary license plates to a person for a particular vehicle during an annual registration period.

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

6 The fee for a temporary license plate that is valid for 10 days is ten dollars (\$10.00). The fee
7 for a temporary license plate that is valid for more than 10 days is the amount that would be
8 required with an application for a license plate for the vehicle. If a person obtains for a vehicle a
9 temporary license plate that is valid for more than 10 days and files an application for a license
10 plate for that vehicle before the temporary license plate expires, the person is not required to pay
11 the fee that would otherwise be required for the license plate.

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

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

22 **SECTION 8.(b)** This section becomes effective January 1, 2018, and applies to
23 applications received on or after that date.

24 **REMOVE SIGNATURE LINE FROM MOTOR VEHICLE REGISTRATION CARD**

25 **SECTION 9.** G.S. 20-57(b) reads as rewritten:

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

33 **MODIFY CONTINUING EDUCATION REQUIREMENT FOR INDEPENDENT MOTOR** 34 **VEHICLE DEALERS**

35 **SECTION 10.(a)** G.S. 20-288(a1) reads as rewritten:

36 "(a1) A used motor vehicle dealer may obtain a license by filing an application, as prescribed
37 in subsection (a) of this section, and providing the following:

- 38 ...
- 39 (2) Proof that the applicant, within the last 12 months, has completed a 12-hour
40 licensing course approved by the Division if the applicant is seeking an initial
41 license and a six-hour course approved by the Division if the applicant is
42 seeking a renewal license. The requirements of this subdivision do not apply to
43 a used motor vehicle dealer the primary business of which is the sale of salvage
44 vehicles on behalf of insurers or to a manufactured home dealer licensed under
45 G.S. 143-143.11 who complies with the continuing education requirements of
46 G.S. 143-143.11B. The requirement of this subdivision does not apply to
47 ~~persons age 62 or older as of July 1, 2002, who are seeking a renewal license.~~
48 any person who is seeking a renewal license, who is age 60 or older, and who
49 has been licensed for at least 10 consecutive years beginning on or after the
50

1 person's fiftieth birthday. This subdivision also does not apply to an applicant
 2 who holds a license as a new motor vehicle dealer as defined in
 3 G.S. 20-286(13) and operates from an established showroom 20 miles or less
 4 from the established showroom for which the applicant seeks a used motor
 5 vehicle dealer license. An applicant who also holds a license as a new motor
 6 vehicle dealer may designate a representative to complete the licensing course
 7 required by this subdivision.

8"

9 **SECTION 10.(b)** This section becomes effective January 1, 2018, and applies to
 10 renewals on or after that date.

11
 12 **ALLOW REMOTE CONVERSION OF CERTAIN FULL PROVISIONAL LICENSES TO**
 13 **CLASS C LICENSES**

14 **SECTION 11.(a)** G.S. 20-7(f)(1) reads as rewritten:

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

18 **SECTION 11.(b)** G.S. 20-7(f)(6) reads as rewritten:

19 "(6) Remote ~~renewal-renewal or conversion.~~ – Subject to the following requirements
 20 and limitations, the Division may offer remote renewal of a drivers ~~license~~
 21 license, or remote conversion of a full provisional license, issued by the
 22 Division:

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

- 25 1. The license holder (i) possesses a ~~valid, unexpired~~ valid Class C
 26 drivers license that was issued when the person was at least 18
 27 years old or (ii) possesses a valid full provisional license and is
 28 at least 18 years old at the time of the remote conversion request.
- 29 2. The license holder's current license includes no restrictions other
 30 than a restriction for corrective lenses.
- 31 3. The license holder attests, in a manner designated by the
 32 Division, that (i) the license holder is a resident of the State and
 33 currently resides at the address on the license to be ~~renewed,~~
 34 renewed or converted, (ii) the license holder's name as it appears
 35 on the license to be renewed or converted has not changed, and
 36 (iii) all other information required by the Division for an
 37 in-person renewal under this Article has been provided
 38 completely and truthfully. If the license holder does not
 39 currently reside at the address on the license to be renewed or
 40 converted, the license holder may comply with the address
 41 requirement of this sub-sub-subdivision by providing the address
 42 at which the license holder resides at the time of the remote
 43 renewal or conversion request.
- 44 4. ~~The~~ For a remote renewal, the most recent renewal was an
 45 in-person renewal and not a remote renewal under this
 46 subdivision.
- 47 5. The license holder is otherwise eligible for renewal or
 48 conversion under this subsection.

49 b. Waiver of requirements. – When renewing or converting a drivers
 50 license pursuant to this subdivision, the Division may waive the

1 examination and photograph that would otherwise be required for the
2 ~~renewal-renewal or conversion.~~

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

- 6 1. For a person at least 18 years old but less than 66 years old, on
7 the birthday of the licensee in the eighth year after issuance.
- 8 2. For a person at least 66 years old, on the birthday of the licensee
9 in the fifth year after issuance.

10 d. Rules. – The Division shall adopt rules to implement this subdivision.

11 e. Federal law. – Nothing in this subdivision shall be construed to
12 supersede any more restrictive provisions for renewal or conversion of
13 drivers licenses prescribed by federal law or regulation.

14 f. Definition. – For purposes of this subdivision, "remote ~~renewal~~
15 renewal or conversion" means renewal or conversion of a drivers license
16 or full provisional license by mail, telephone, electronic device, or other
17 secure means approved by the Commissioner."

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

21 22 **TEMPORARY REGISTRATION PLATES/EXTEND TIME LIMIT FOR DELIVERY OF** 23 **SALES DOCUMENTS**

24 **SECTION 12.(a)** G.S. 20-79.1(d)(3) reads as rewritten:

25 "(d) A dealer shall:

26 ...

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

31 **SECTION 12.(b)** This section is effective when it becomes law and applies to sales
32 made on or after that date.

33 **SECTION 13.** Reserved.

34 35 **SPECIAL IDENTIFICATION CARDS/MODIFY ISSUANCE PROCESS AND ALLOW** 36 **REMOTE RENEWAL**

37 **SECTION 14.(a)** G.S. 20-37.7 reads as rewritten:

38 "**§ 20-37.7. Special identification card.**

39 ...

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

- 45 (1) Duration for persons under age 18. – A special identification card issued to or
46 renewed by a person under the age of 18 expires on the birthday of the holder in
47 the fifth year after issuance.
- 48 (2) Duration for persons age 18 and older. – A special identification card issued to
49 or renewed by a person at least 18 years old expires on the birthday of the
50 holder in the eighth year after issuance.

- 1 (3) Duration for certain other drivers. – The durations listed in subdivisions (1) and
2 (2) of this subsection are valid unless the Division determines that a special
3 identification card of shorter duration should be issued when the applicant holds
4 valid documentation issued by, or under the authority of, the United States
5 government that demonstrates the applicant's legal presence of limited duration
6 in the United States. In no event shall a special identification card of limited
7 duration expire later than the expiration of the authorization for the applicant's
8 legal presence in the United States.
- 9 (4) When to renew. – A person may apply to the Division to renew a special
10 identification card during the 180-day period before the special identification
11 card expires. The Division may not accept an application for renewal made
12 before the 180-day period begins.
- 13 (d1) Fee. – The fee for a new or renewed special identification card is the same as the fee
14 set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card
15 issued to a resident of this State as follows:
- 16 ...
- 17 (7) The applicant has a developmental disability. To obtain a special identification
18 card without paying a fee pursuant to this subdivision, an applicant must
19 present a ~~letter from~~ letter, or a form approved by the Division, signed by his or
20 her primary care provider certifying that the applicant has a developmental
21 disability. For purposes of this subdivision, the term "developmental disability"
22 has the same meaning as in G.S. 122C-3.
- 23 (d2) Remote Renewal. – Subject to the following limitations and requirements, the Division
24 may offer remote renewal of a special identification card issued by the Division:
- 25 (1) Requirements. – To be eligible for remote renewal under this subsection, a
26 person must meet all of the following requirements:
- 27 a. The special identification card holder possesses a valid special
28 identification card that was issued when the person was at least 18 years
29 old.
- 30 b. The special identification card holder attests, in a manner designated by
31 the Division, that (i) the special identification card holder is a resident of
32 the State and currently resides at the address on the special identification
33 card to be renewed, (ii) the special identification card holder's name as it
34 appears on the special identification card to be renewed has not
35 changed, and (iii) all other information required by the Division for an
36 in-person renewal under this Article has been provided completely and
37 truthfully. If the special identification card holder does not currently
38 reside at the address on the special identification card to be renewed, the
39 special identification card holder may comply with the address
40 requirement of this sub-subdivision by providing the address at which
41 the special identification card holder resides at the time of the remote
42 renewal request.
- 43 c. The most recent renewal was an in-person renewal and not a remote
44 renewal under this subsection.
- 45 d. The special identification card holder is otherwise eligible for renewal
46 under this subsection.
- 47 (2) Definition. – For purposes of this subsection, "remote renewal" means renewal
48 of a special identification card by mail, telephone, electronic device, or other
49 secure means approved by the Commissioner.
- 50 ~~(d1)~~(d3) Severe Disability. – For a person who has a physician's letter certifying that a
51 severe disability causes the person to be homebound, the Division shall adopt rules allowing for

1 application for or renewal of a special photo identification card under this section by means other
2 than a personal appearance.

3 (d4) Special Identification Card to Be Sent by Mail. – The Division shall issue to the
4 applicant a temporary identification certificate valid for 60 days. The temporary identification
5 certificate shall not be valid for identification purposes, except when conducting business with the
6 Division and not otherwise prohibited by federal law. The Division shall produce the applicant's
7 special identification card at a central location and send it to the applicant by first-class mail at the
8 residence address provided by the applicant, unless the applicant is ineligible for mail delivery by
9 the United States Postal Service at the applicant's residence. If the United States Postal Service
10 documents that it does not deliver to the residential address provided by the applicant, and the
11 Division has verified the applicant's residential address by other means, the Division may mail the
12 special identification card to the post office box provided by the applicant. Applicants whose only
13 mailing address prior to July 1, 2008, was a post office box in this State may continue to receive
14 their license at that post office box, provided the applicant's residential address has been verified
15 by the Division.

16"

17 **SECTION 14.(b)** G.S. 20-9.2(c) reads as rewritten:

18 "(c) This section does not apply to special identification cards issued pursuant to ~~G.S.~~
19 ~~20-37.7(d)(5) or (6)~~ subdivision (5) or (6) of subsection (d1) of G.S. 20-37.7."

20 **SECTION 14.(c)** G.S. 163-275(13) reads as rewritten:

21 "(13) For any person falsely to make or present any certificate or other paper to
22 qualify any person fraudulently as a voter, or to attempt thereby to secure to any
23 person the privilege of voting, including declarations made under this Chapter,
24 ~~G.S. 20-37.7(d)(5), — 20-37.7(d)(6), G.S. 20-37.7(d1)(5), 20-37.7(d1)(6),~~
25 130A-93.1(c), and 161-10(a)(8)."

26 **SECTION 14.(d)** Subsections (b) and (c) of this section and subsection (d2) of
27 G.S. 20-37.7, as enacted by subsection (a) of this section, become effective December 1, 2017.
28 The remainder of this section becomes effective December 1, 2017, and applies to initial
29 applications and renewals on or after that date.

30 31 **DMV OFFICERS/EXPAND LIST OF SITUATIONS WHERE POLICE AUTHORITY** 32 **MAY BE EXERCISED**

33 **SECTION 15.** G.S. 20-49.1(a) is amended by adding a new subdivision to read:

34 "(3) When they are responding to an emergency situation that (i) is occurring in
35 their immediate vicinity and (ii) would likely result in bodily harm or loss of
36 property without immediate intervention."

37 38 **ELIMINATION OF DRIVERS LICENSE TECHNOLOGY FUND**

39 **SECTION 16.** G.S. 20-37.01 and G.S. 20-37.02(e) are repealed.

40 41 **MOTOR VEHICLE DEFINITION/TECHNICAL CORRECTION**

42 **SECTION 17.** G.S. 58-37-1(6) reads as rewritten:

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

50 51 **PART III. EFFECTIVE DATE**

1

SECTION 18. Except as otherwise provided, this act becomes effective July 1, 2017.