

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
Judiciary Committee Substitute Adopted 4/11/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S3-PCS45455-RW-28

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)** 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
13 be disposed of as follows:

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



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1 Department does not consider them to be in accord with the appraised or fair
2 market value as determined by the Department.

3 (5) Those residue properties located adjacent to controlled access projects that
4 are landlocked may be sold to the adjoining property owner by negotiation
5 rather than public sale for a consideration that is approved by the Division
6 Right of Way Agent and the Right of Way Unit Manager.

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

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

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

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

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

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

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

51 **SECTION 2.** Reserved.

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

4 **SECTION 3.** Subsections (d) and (e) of G.S. 143-215.107C are repealed.
5

6 **PART II. DIVISION OF MOTOR VEHICLES CHANGES**
7

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

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

11 **"§ 20-4.01. Definitions.**

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

14 ...

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

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

28 ...

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

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

45"

46
47 **MODIFY PROCESS BY WHICH DMV DETERMINES WHETHER TO REVOKE A**
48 **DRIVERS LICENSE OF A PERSON WHO HAS BEEN ADJUDICATED**
49 **INCOMPETENT**

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

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

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

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

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

26 "(e) Procedure if Report Filed with Judicial Official When Person Is Present. – If a
27 properly executed revocation report concerning a person is filed with a judicial official when
28 the person is present before that official, the judicial official shall, after completing any other
29 proceedings involving the person, determine whether there is probable cause to believe that
30 each of the conditions of subsection (b) has been met. If he determines that there is such
31 probable cause, he shall enter an order revoking the person's driver's license for the period
32 required in this subsection. The judicial official shall order the person to surrender his license
33 and if necessary may order a law-enforcement officer to seize the license. The judicial official
34 shall give the person a copy of the revocation order. In addition to setting it out in the order the
35 judicial official shall personally inform the person of his right to a hearing as specified in
36 subsection (g), and that his license remains revoked pending the hearing. The revocation under
37 this subsection begins at the time the revocation order is issued and continues until the person's
38 license has been surrendered for the period specified in this subsection, and the person has paid
39 the applicable costs. The period of revocation is 30 days, if there are no pending offenses for
40 which the person's license had been or is revoked under this section. If at the time of the current
41 offense, the person has one or more pending offenses for which his license had been or is
42 revoked under this section, the revocation shall remain in effect until a final judgment,
43 including all appeals, has been entered for the current offense and for all pending offenses. In
44 no event, may the period of revocation under this subsection be less than 30 days. If within five
45 working days of the effective date of the order, the person does not surrender his license or
46 demonstrate that he is not currently licensed, the clerk shall immediately issue a pick-up order.
47 The pick-up order shall be issued to a member of a local law-enforcement agency if the law
48 enforcement officer was employed by the agency at the time of the charge and the person
49 resides in or is present in the agency's territorial jurisdiction. In all other cases, the pick-up
50 order shall be issued to an officer or ~~inspector~~ agent of the Division. A pick-up order issued
51

1 pursuant to this section is to be served in accordance with G.S. 20-29 as if the order had been
2 issued by the Division."

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

4 **"§ 20-49. Police authority of Division.**

5 The Commissioner and such officers and ~~inspectors~~agents of the Division as ~~he~~the
6 Commissioner shall designate and all members of the Highway Patrol and law enforcement
7 officers of the Department of Public Safety shall have the power:

8"

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

10 **"§ 20-49.1. Supplemental police authority of Division ~~officers~~officers and agents.**

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

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

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

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

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

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

47 If an inspection and verification is not conducted by the License and Theft Bureau of the
48 Division of Motor Vehicles within 15 days after receiving a request for such and the ~~inspector~~
49 agent has no probable cause to believe that the ownership documents or public vehicle
50 identification number presented does not match the vehicle being examined, the vehicle shall
51 be deemed to have satisfied all inspection and verification requirements and title shall issue to

1 the owner within 15 days thereafter. If an inspection and verification is timely performed and
2 the vehicle passes the inspection and verification, title shall issue to the owner within 15 days
3 of the date of the inspection."

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

5 **"§ 20-108. Vehicles or component parts of vehicles without manufacturer's numbers.**

6 ...

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

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

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

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

49 ...

50 (j) An officer or agent taking into custody a motor vehicle or component part under the
51 provisions of this section is authorized to obtain necessary removal and storage services, but

1 shall incur no personal liability for such services. The person or company so employed shall be
2 entitled to reasonable compensation as a claimant under (e), and shall not be deemed an
3 unlawful possessor under (a)."
4

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

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

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

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

16 The fee for a temporary license plate that is valid for 10 days is ten dollars (\$10.00). The
17 fee for a temporary license plate that is valid for more than 10 days is the amount that would be
18 required with an application for a license plate for the vehicle. If a person obtains for a vehicle
19 a temporary license plate that is valid for more than 10 days and files an application for a
20 license plate for that vehicle before the temporary license plate expires, the person is not
21 required to pay the fee that would otherwise be required for the license plate.

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

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

32 **SECTION 7.(b)** This section becomes effective January 1, 2018, and applies to
33 applications received on or after that date.
34

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

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

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

45 **ALLOW REMOTE CONVERSION OF CERTAIN FULL PROVISIONAL LICENSES** 46 **TO CLASS C LICENSES**

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

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

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

- 1 "(6) Remote ~~renewal~~renewal or conversion. – Subject to the following
2 requirements and limitations, the Division may offer remote renewal of a
3 drivers ~~license~~license, or remote conversion of a full provisional license,
4 issued by the Division:
- 5 a. Requirements. – To be eligible for remote renewal or conversion
6 under this subdivision, a person must meet all of the following
7 requirements:
- 8 1. The license holder ~~(i) possesses a valid, unexpired valid~~ Class
9 C drivers license that was issued when the person was at least
10 18 years old or (ii) possesses a valid full provisional license
11 and is at least 18 years old at the time of the remote
12 conversion request.
- 13 2. The license holder's current license includes no restrictions
14 other than a restriction for corrective lenses.
- 15 3. The license holder attests, in a manner designated by the
16 Division, that (i) the license holder is a resident of the State
17 and currently resides at the address on the license to be
18 ~~renewed, renewed or converted,~~ (ii) the license holder's name
19 as it appears on the license to be renewed or converted has
20 not changed, and (iii) all other information required by the
21 Division for an in-person renewal under this Article has been
22 provided completely and truthfully. If the license holder does
23 not currently reside at the address on the license to be
24 renewed or converted, the license holder may comply with
25 the address requirement of this sub-sub-subdivision by
26 providing the address at which the license holder resides at
27 the time of the remote renewal or conversion request.
- 28 4. ~~The~~ For a remote renewal, the most recent renewal was an
29 in-person renewal and not a remote renewal under this
30 subdivision.
- 31 5. The license holder is otherwise eligible for renewal or
32 conversion under this subsection.
- 33 b. Waiver of requirements. – When renewing or converting a drivers
34 license pursuant to this subdivision, the Division may waive the
35 examination and photograph that would otherwise be required for the
36 ~~renewal~~renewal or conversion.
- 37 c. Duration of remote ~~renewal~~renewal or conversion. – A ~~renewed~~
38 drivers license issued to a person by remote renewal or conversion
39 under this subdivision expires according to the following schedule:
- 40 1. For a person at least 18 years old but less than 66 years old,
41 on the birthday of the licensee in the eighth year after
42 issuance.
- 43 2. For a person at least 66 years old, on the birthday of the
44 licensee in the fifth year after issuance.
- 45 d. Rules. – The Division shall adopt rules to implement this
46 subdivision.
- 47 e. Federal law. – Nothing in this subdivision shall be construed to
48 supersede any more restrictive provisions for renewal or conversion
49 of drivers licenses prescribed by federal law or regulation.
- 50 f. Definition. – For purposes of this subdivision, "remote ~~renewal~~
51 renewal or conversion" means renewal or conversion of a drivers

1 license or full provisional license by mail, telephone, electronic
2 device, or other secure means approved by the Commissioner."

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

6
7 **TEMPORARY REGISTRATION PLATES/EXTEND TIME LIMIT FOR DELIVERY**
8 **OF SALES DOCUMENTS**

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

10 "(d) A dealer shall:

11 ...

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

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

18
19 **SPECIAL IDENTIFICATION CARDS/MODIFY ISSUANCE PROCESS AND ALLOW**
20 **REMOTE RENEWAL**

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

22 "**§ 20-37.7. Special identification card.**

23 ...

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

29 (1) Duration for persons under age 18. – A special identification card issued to
30 or renewed by a person under the age of 18 expires on the birthday of the
31 holder in the fifth year after issuance.

32 (2) Duration for persons age 18 and older. – A special identification card issued
33 to or renewed by a person at least 18 years old expires on the birthday of the
34 holder in the eighth year after issuance.

35 (3) Duration for certain other drivers. – The durations listed in subdivisions (1)
36 and (2) of this subsection are valid unless the Division determines that a
37 special identification card of shorter duration should be issued when the
38 applicant holds valid documentation issued by, or under the authority of, the
39 United States government that demonstrates the applicant's legal presence of
40 limited duration in the United States. In no event shall a special
41 identification card of limited duration expire later than the expiration of the
42 authorization for the applicant's legal presence in the United States.

43 (4) When to renew. – A person may apply to the Division to renew a special
44 identification card during the 180-day period before the special identification
45 card expires. The Division may not accept an application for renewal made
46 before the 180-day period begins.

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

50 ...

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

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

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

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

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

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

31 d. The special identification card holder is otherwise eligible for
32 renewal under this subsection.

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

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

40 (d4) Special Identification Card to Be Sent by Mail. – The Division shall issue to the
41 applicant a temporary identification certificate valid for 60 days. The temporary identification
42 certificate shall not be valid for identification purposes, except when conducting business with
43 the Division and not otherwise prohibited by federal law. The Division shall produce the
44 applicant's special identification card at a central location and send it to the applicant by
45 first-class mail at the residence address provided by the applicant, unless the applicant is
46 ineligible for mail delivery by the United States Postal Service at the applicant's residence. If
47 the United States Postal Service documents that it does not deliver to the residential address
48 provided by the applicant, and the Division has verified the applicant's residential address by
49 other means, the Division may mail the special identification card to the post office box
50 provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a

1 post office box in this State may continue to receive their license at that post office box,
2 provided the applicant's residential address has been verified by the Division.

3"

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

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

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

8 "(13) For any person falsely to make or present any certificate or other paper to
9 qualify any person fraudulently as a voter, or to attempt thereby to secure to
10 any person the privilege of voting, including declarations made under this
11 Chapter, ~~G.S. 20-37.7(d)(5),~~ ~~20-37.7(d)(6),~~ G.S. 20-37.7(d1)(5),
12 20-37.7(d1)(6), 130A-93.1(c), and 161-10(a)(8)."

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

17 18 **DMV OFFICERS/EXPAND LIST OF SITUATIONS WHERE POLICE AUTHORITY** 19 **MAY BE EXERCISED**

20 **SECTION 12.** G.S. 20-49.1(a) is amended by adding a new subdivision to read:

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

24 25 **ELIMINATION OF DRIVERS LICENSE TECHNOLOGY FUND**

26 **SECTION 13.** G.S. 20-37.01 and G.S. 20-37.02(e) are repealed.

27 28 **MOTOR VEHICLE DEFINITION/TECHNICAL CORRECTION**

29 **SECTION 14.** G.S. 58-37-1(6) reads as rewritten:

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

37 38 **METHOD TO DETERMINE FAIR MARKET VALUE OF SEIZED AND WRECKED** 39 **VEHICLES**

40 **SECTION 14.1.** G.S. 20-28.2(a1)(1) reads as rewritten:

41 "**§ 20-28.2. Forfeiture of motor vehicle for impaired driving after impaired driving**
42 **license revocation; forfeiture for felony speeding to elude arrest.**

43 ...

44 (a1) Definitions. – As used in this section and in G.S. 20-28.3, 20-28.4, 20-28.5, 20-28.7,
45 20-28.8, 20-28.9, 20-54.1, and 20-141.5, the following terms mean:

46 (1) Fair Market Value. – The value of the seized motor vehicle, as determined in
47 accordance with the schedule of values adopted by the Commissioner
48 pursuant to ~~G.S. 105-187.3~~ G.S. 105-187.3, except for wrecked vehicles. For
49 wrecked vehicles, the value shall be determined using a schedule of values
50 based on a nationally recognized insurance adjuster formula for calculating
51 the salvage value of a wrecked vehicle, as adopted by the Commissioner."

MODIFY PROCEDURE FOR EXPEDITED SALE OF SEIZED MOTOR VEHICLES**SECTION 14.2.** G.S. 20-28.3(i) reads as rewritten:

"(i) Expedited Sale of Seized Motor Vehicles in Certain Cases. – In order to avoid additional liability for towing and storage costs pending resolution of the criminal proceedings of the defendant, the State Surplus Property Agency or county board of education ~~may, may~~ sell any motor vehicle after expiration of 90 days from the date of seizure, ~~sell any motor vehicle having a fair market value of one thousand five hundred dollars (\$1,500) or less. The county board of education may also sell a motor vehicle, regardless of the fair market value, any time the outstanding towing and storage costs exceed eighty five percent (85%) of the fair market value of the vehicle,~~ or with the consent of all the motor vehicle owners. Any sale conducted pursuant to this subsection shall be conducted in accordance with the provisions of G.S. 20-28.5(a) or G.S. 20-28.5(a1), as applicable, and the proceeds of the sale, after the payment of outstanding towing and storage costs or reimbursement of towing and storage costs paid by a person other than the defendant, shall be deposited with the clerk of superior court. If an order of forfeiture is entered by the court, the court shall order the proceeds held by the clerk to be disbursed as provided in G.S. 20-28.5(b). If the court determines that the motor vehicle is not subject to forfeiture, the court shall order the proceeds held by the clerk to be disbursed first to pay the sale, towing, and storage costs, second to pay outstanding liens on the motor vehicle, and the balance to be paid to the motor vehicle owners."

PART III. EFFECTIVE DATE

SECTION 15. Except as otherwise provided, this act becomes effective July 1, 2017.