

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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BILL DRAFT 2017-RWz-1 [v.14] (09/22)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
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Short Title: DOT/DMV Changes.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO STATE LAW RELATED TO THE  
3 DEPARTMENT OF TRANSPORTATION AND THE DIVISION OF MOTOR  
4 VEHICLES.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. DEPARTMENT OF TRANSPORTATION CHANGES**

8  
9 **DOT RESIDUE PROPERTY DISPOSAL**

10 **SECTION 1.**(a) G.S. 136-19 is amended by adding a new subsection to read:

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

13 (1) The sale of all residues will be by public sale except as hereinafter  
14 specified.

15 (2) Residue properties sold by public sale may be sold by sealed bid, or by  
16 auction at the election of the Right of Way Branch. The sale of such  
17 properties must be advertised by at least one of the following methods:

18 a. Publication in a newspaper having general circulation in the  
19 county in which the property is situated.

20 b. On a Department of Transportation website.

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.  
23 The high bid shall be presented to the Board of Transportation at its  
24 next regular meeting after the date of the sale for rejection or  
25 acceptance. The Department of Transportation may reject all bids if  
26 the Department does not consider the bids to be in accord with the  
27 appraised or fair market value as determined by the Department.

28 (4) Residue properties sold by public sale may also be sold by real estate  
29 brokers licensed in North Carolina at the election of the Chief  
30 Engineer. The highest offer to purchase shall be presented to the Board  
31 of Transportation at its next regular meeting after the acceptance of the  
32 offer to purchase. The Department of Transportation may reject all  
33 offers to purchase if the Department does not consider them to be in

1 accord with the appraised or fair market value as determined by the  
2 Department.

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

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

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

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

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

43 (10) Residue properties or portions of residue properties acquired in  
44 connection with right of way for a project and located outside the right  
45 of way for that project may be sold by negotiation rather than by  
46 public sale to property owners and tenants who are displaced by the

1 project for relocation of the displacee. Such sales shall be based upon  
2 the appraised value of the residue properties.

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

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

8  
9 **SECTION 2.** Reserved

10  
11 **EXTEND SUNSET FOR DOT MINORITY-OWNED/WOMEN-OWNED**  
12 **BUSINESSES PROGRAM**

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

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

15  
16  
17 **ELIMINATE ANNUAL REPORT ON REDUCING VEHICLE MILES**  
18 **TRAVELED BY STATE EMPLOYEES**

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

20  
21  
22 **PART II. DIVISION OF MOTOR VEHICLES CHANGES**

23  
24 **CLARIFY THAT HYBRID VEHICLES WITH EMISSIONS COMPONENTS**  
25 **ARE SUBJECT TO EMISSIONS INSPECTIONS**

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

27 **"§ 20-4.01. Definitions.**

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

30 ...

31 (12a) Fuel cell electric vehicle. – A four-wheeled motor vehicle that does not  
32 have the ability to be propelled by a gasoline engine, and that meets  
33 each of the following requirements:

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

45 ...

1 (28a) Plug-in electric vehicle. – A four-wheeled motor vehicle that does not  
2 have the ability to be propelled by a gasoline engine, and that meets  
3 each of the following requirements:

- 4 a. Is made by a manufacturer primarily for use on public streets,  
5 roads, and highways and meets National Highway Traffic  
6 Safety Administration standards included in 49 C.F.R. § 571.  
7 b. Has not been modified from original manufacturer  
8 specifications with regard to power train or any manner of  
9 powering the vehicle.  
10 c. Is rated at not more than 8,500 pounds unloaded gross vehicle  
11 weight.  
12 d. Has a maximum speed capability of at least 65 miles per hour.  
13 e. Draws electricity from a battery that has all of the following  
14 characteristics:  
15 1. A capacity of not less than four kilowatt hours.  
16 2. Capable of being recharged from an external source of  
17 electricity.

18 ...."

19  
20 **MODIFY PROCESS BY WHICH DMV DETERMINES WHETHER TO REVOKE A**  
21 **DRIVER'S LICENSE OF A PERSON WHO HAS BEEN ADJUDICATED**  
22 **INCOMPETENT.**

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

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

46 **SECTION 6.(b)** This section becomes effective February 1, 2018, and  
47 applies to adjudications on or after that date.  
48

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

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

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

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

33 **"§ 20-49. Police authority of Division.**

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

37 ...."

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

39 **"§ 20-49.1. Supplemental police authority of Division ~~officers.~~ officers and agents.**

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

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

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

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

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

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

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

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

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

41 "**§ 20-108. Vehicles or component parts of vehicles without manufacturer's**  
42 **numbers.**

43 ...

44 (b) The Commissioner and such officers and inspectors agents of the Division of  
45 Motor Vehicles as he has designated may take and possess any motor vehicle or  
46 component part if its engine number, vehicle identification number, or manufacturer's  
47 serial number has been altered, changed, or obliterated or if such officer or agent has

1 probable cause to believe that the driver or person in charge of the motor vehicle or  
2 component part has violated subsection (a) above. Any officer or agent who so takes  
3 possession of a motor vehicle or component part shall immediately notify the Division  
4 of Motor Vehicles and the rightful owner, if known. The notification shall contain a  
5 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  
7 violation of the provisions of this Article.

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

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

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

44 ...

45 (j) An officer or agent taking into custody a motor vehicle or component part  
46 under the provisions of this section is authorized to obtain necessary removal and  
47 storage services, but shall incur no personal liability for such services. The person or

1 company so employed shall be entitled to reasonable compensation as a claimant under  
2 (e), and shall not be deemed an unlawful possessor under (a)."  
3

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

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

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

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

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

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

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

34 **SECTION 8.(b)** This section becomes effective January 1, 2018, and applies  
35 to applications received on or after that date.  
36

#### 37 **REMOVE SIGNATURE LINE FROM MOTOR VEHICLE REGISTRATION** 38 **CARD**

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

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



1  
2 **MODIFY CONTINUING EDUCATION REQUIREMENT FOR INDEPENDENT**  
3 **MOTOR VEHICLE DEALERS**

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

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

- 7 ...
- 8 (2) Proof that the applicant, within the last 12 months, has completed a  
9 12-hour licensing course approved by the Division if the applicant is  
10 seeking an initial license and a six-hour course approved by the  
11 Division if the applicant is seeking a renewal license. The  
12 requirements of this subdivision do not apply to a used motor vehicle  
13 dealer the primary business of which is the sale of salvage vehicles on  
14 behalf of insurers or to a manufactured home dealer licensed under  
15 G.S. 143-143.11 who complies with the continuing education  
16 requirements of G.S. 143-143.11B. The requirement of this  
17 subdivision does not apply to persons age 62 or older as of July 1,  
18 2002, who are seeking a renewal license. any person who is seeking a  
19 renewal license, who is age 60 or older, and who has been licensed for  
20 at least 10 consecutive years beginning on or after the person's 50th  
21 birthday. This subdivision also does not apply to an applicant who  
22 holds a license as a new motor vehicle dealer as defined in  
23 G.S. 20-286(13) and operates from an established showroom 20 miles  
24 or less from the established showroom for which the applicant seeks a  
25 used motor vehicle dealer license. An applicant who also holds a  
26 license as a new motor vehicle dealer may designate a representative to  
27 complete the licensing course required by this subdivision.

28 ...."

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

31  
32 **ALLOW REMOTE CONVERSION OF CERTAIN FULL PROVISIONAL LICENSES**  
33 **TO CLASS C LICENSES**

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

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

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

39 "(6) Remote renewal-renewal or conversion. – Subject to the following  
40 requirements and limitations, the Division may offer remote renewal  
41 of a drivers license, license, or remote conversion of a full provisional  
42 license, issued by the Division:

- 43 a. Requirements. – To be eligible for remote renewal or  
44 conversion under this subdivision, a person must meet all of the  
45 following requirements:
- 46 1. The license holder (i) possesses a valid, unexpired valid Class  
47 C drivers license that was issued when the person was at least  
48 18 years old or (ii) possesses a valid full provisional license

1 and is at least 18 years old at the time of the remote  
2 conversion request.

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

5 3. The license holder attests, in a manner designated by the  
6 Division, that (i) the license holder is a resident of the State  
7 and currently resides at the address on the license to be  
8 ~~renewed~~renewed or converted, (ii) the license holder's name  
9 as it appears on the license to be renewed or converted has  
10 not changed, and (iii) all other information required by the  
11 Division for an in-person renewal under this Article has been  
12 provided completely and truthfully. If the license holder does  
13 not currently reside at the address on the license to be  
14 renewed or converted, the license holder may comply with  
15 the address requirement of this sub-sub-subdivision by  
16 providing the address at which the license holder resides at  
17 the time of the remote renewal or conversion request.

18 4. ~~The~~For a remote renewal, the most recent renewal was an  
19 in-person renewal and not a remote renewal under this  
20 subdivision.

21 5. The license holder is otherwise eligible for renewal or  
22 conversion under this subsection.

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

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

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

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

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

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

42 f. Definition. – For purposes of this subdivision, "remote renewal  
43 or conversion" means renewal or conversion of a drivers license  
44 or full provisional license by mail, telephone, electronic device,  
45 or other secure means approved by the Commissioner."

46 **SECTION 11.(c)** Subsection (a) of this section becomes effective March 1,  
47 2018, and applies to full provisional licenses issued on or after that date. The remainder  
48 of this section becomes effective March 1, 2018.

1 **TEMPORARY REGISTRATION PLATES/EXTEND TIME LIMIT FOR DELIVERY**  
2 **OF SALES DOCUMENTS**

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

4 "(d) A dealer shall:

5 ...

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

10 ...."

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

13 **SECTION 13.** Reserved.

14  
15  
16 **SPECIAL IDENTIFICATION CARDS/MODIFY ISSUANCE PROCESS AND ALLOW**  
17 **REMOTE RENEWAL**

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

19 "**§ 20-37.7. Special identification card.**

20 ...

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

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

30 (2) Duration for Persons Age 18 and Older. – A special identification card  
31 issued to or renewed by a person at least 18 years old expires on the  
32 birthday of the holder in the eighth year after issuance.

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

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

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

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

12        ...  
13        (d2) Remote Renewal. – Subject to the following limitations and requirements, the  
14 Division may offer remote renewal of a special identification card issued by the  
15 Division:

- 16        (1) Requirements. – To be eligible for remote renewal under this  
17 subsection, a 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  
20 18 years old.  
21        b. The special identification card holder attests, in a manner  
22 designated by the Division, that (i) the special identification  
23 card holder is a resident of the State and currently resides at the  
24 address on the special identification card to be renewed, (ii) the  
25 special identification card holder's name as it appears on the  
26 special identification card to be renewed has not changed, and  
27 (iii) all other information required by the Division for an in  
28 person renewal under this Article has been provided completely  
29 and truthfully. If the special identification card holder does not  
30 currently reside at the address on the special identification card  
31 to be renewed, the special identification card holder may  
32 comply with the address requirement of this sub-subdivision by  
33 providing the address at which the special identification card  
34 holder resides at the time of the remote renewal request.  
35        c. The most recent renewal was an in-person renewal and not a  
36 remote 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  
41 device, or other secure means approved by the Commissioner.

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

46        (d4) Special Identification Card to be Sent by Mail. – The Division shall issue to  
47 the applicant a temporary identification certificate valid for 60 days. The temporary

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

13 ...."

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

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

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

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

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

28  
29 **DMV OFFICERS/EXPAND LIST OF SITUATIONS WHERE POLICE AUTHORITY**  
30 **MAY BE EXERCISED**

31 **SECTION 15.** G.S. 20-49.1(a) reads as rewritten:

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

- 36 (1) When they have probable cause to believe that a person has committed a  
37 criminal act in their presence and at the time of the violation they are  
38 engaged in the enforcement of laws otherwise within their jurisdiction.
- 39 (2) When they are asked to provide temporary assistance by the head of a  
40 State or local law enforcement agency or his designee and the request  
41 is within the scope of the agency's subject matter jurisdiction.
- 42 (3) When they are responding to an emergency situation that (i) is  
43 occurring in their immediate vicinity and (ii) would likely result in  
44 bodily harm or loss of property without immediate intervention.

45 While acting pursuant to this subsection, the Division officers shall have the same  
46 powers vested in law enforcement officers by statute or common law. When acting  
47 pursuant to subdivision (2) of this subsection, the Division officers shall not be

1 considered an officer, employee, or agent of the State or local law enforcement agency  
2 or designee asking for temporary assistance. Nothing in this section shall be construed  
3 to expand the Division officers' authority to initiate or conduct an independent  
4 investigation into violations of criminal laws outside the scope of their subject matter or  
5 territorial jurisdiction."

6  
7 **ELIMINATION OF DRIVERS LICENSE TECHNOLOGY FUND**

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

9  
10 **MOTOR VEHICLE DEFINITION/TECHNICAL CORRECTION**

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

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

20  
21 **PART III. EFFECTIVE DATE**

22 **SECTION 18.** Except as otherwise provided, this act becomes effective July  
23 1, 2017.  
24